



HAND
BOOK
OF
CIVIL
GOVERNMENT.

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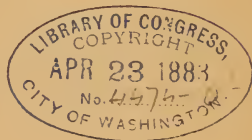
A HAND-BOOK
OF
CIVIL GOVERNMENT

UNDER THE
CONSTITUTION OF THE UNITED STATES.

FOR THE
Use of Schools and Academies.

BY
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OF TRENCH ON THE STUDY OF WORDS," ETC.



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PREFACE.



IN the preparation of this Hand-Book of Civil Government, an effort has been made to include all that is absolutely necessary for a full exposition of the subject, without exceeding the proper limits of a text-book to be used in schools and academies.

The method pursued in explaining the various parts of the Constitution has been to give :

I. A history of the clauses.

II. Definitions of words and expressions occurring in the clauses.

III. Questions answered in the language of the text itself.

IV. Questions based upon principles involved in the text.

V. To show by what legislative enactments an enforcement of the provisions of the clauses has been secured.

VI. To exhibit the practical working of the different clauses.

It is in the strict adherence to this method, together with the clear presentation of the progress of civil liberty, the chronological statement of important acts of Congress, and the introduction of test questions, that this book differs from others on the same subject; and it is upon these features that its claims are mainly based.

The form of the book and the arrangement of the material were adopted as the result of twelve years' experience in teaching the subject; and special importance is attached to the fact that quite a large proportion of the questions included in this book are those which were asked by pupils themselves.

THOMAS D. SUPLÉE.

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CARDINAL DATES
IN THE
HISTORY OF CIVIL LIBERTY.



ENGLISH.

1215. Magna Charta.
1265. First House of Commons.
1296. Arbitrary Taxation forbidden.
1628. The Petition of Rights.
1679. The Habeas Corpus Act.
1689. The Bill of Rights.
1832. The Reform Bill.
1870. The Education Bill.



AMERICAN.

1765. Congress of Delegates to resist Stamp Act.
1774. Declaration of Rights.
1776. Declaration of Independence.
1781. Articles of Confederation Adopted.
1788. Constitution of the United States Adopted.
1791. Bill of Rights Added to the Constitution.
1865. Abolition of Slavery.
1868. Civil Rights Amendment Adopted.
1870. Right of Suffrage Extended.



Note.—In some cases, answers to questions have been omitted for the purpose of encouraging original investigation on the part of the pupil. Similar omissions will be noticed where the answer may readily be framed from the language of the text of the clause upon which the question is based.



GENERAL PRINCIPLES.

1. WHAT is the derivation of the word "Government"?

The word government is derived from the Latin, *gubernare*, meaning *to steer, to pilot*, and then *to guide, to direct, to control*.

2. What is government?

Government is control.

3. Give examples.

Divine government is the control exercised by the Creator over his creatures. Family government is the control exercised by the head of the family over its members.

4. What is civil government?

Civil government is the control exercised by the State over its citizens?

5. What is a State?

A State is a community of persons living within certain limits of territory, under a permanent organization, which aims to secure the prevalence of justice, and to promote the common good by self-imposed laws.

6. What is law?

Law is the expression of the controlling will, which becomes a rule of action for the governed.

7. What is the earliest form of government of which we have any knowledge?

Patriarchal government, or control exercised by the father of a family.

8. Give an example of patriarchal government.

Abraham was a patriarchal ruler.

9. What is theocracy?

Theocracy is control exercised by men who claim to be under the immediate direction of God.

10. Give an example of theocracy.

The government of the Hebrews, after their departure from Egypt, was a theocracy.

11. Which are the most common forms of government?

The most common forms of government are monarchy, aristocracy, and democracy.

12. What is a monarchy?

A monarchy is a form of government in which the supreme control is in the hands of one person, called a king, emperor, etc.

13. What is an absolute monarchy?

An absolute monarchy is a monarchy in which the control is exercised by one person absolutely.

14. Give examples of absolute monarchy.

Russia, Turkey, and China are absolute monarchies.

15. What is a limited monarchy?

A limited monarchy is a monarchy in which the control of the chief ruler is restrained by the laws or by some other power.

16. Give an example of a limited monarchy.

The English government is a limited monarchy.

17. When is a monarchy called hereditary?

A monarchy is called hereditary when the control passes from father to son, or from the monarch to his successor by inheritance.

18. When is a monarchy elective?

A monarchy is elective when, on the death of the ruler, his successor is appointed by an election.

19. Give an example of an elective monarchy. (See note, page 8.)

20. What is an aristocracy?

An aristocracy is a form of government in which control is exercised by a privileged order of men, distinguished for their rank and wealth.

21. Give an example of an aristocracy.

22. What is a democracy?

A Democracy is a form of government in which control is directly exercised by the people in one assembly.

23. Give an example of democracy.

Democracies existed in ancient Greece, but they comprised very small territories.

24. What is a republic?

A republic is a form of democracy, in which control is exercised by Representatives elected directly by the people.



COLONIAL RELATIONS.

25. Name the thirteen original Colonies, with the dates of their settlement.

The names of the thirteen original Colonies, with the dates of their settlement, are as follows: Virginia, 1606; Massachusetts, 1620; New Hampshire, 1629; Maryland, 1632; Connecticut, 1635; Rhode Island, 1636; New York, 1662; North Carolina, 1663; South Carolina, 1663; New Jersey, 1664; Pennsylvania, 1681; Delaware, 1682; and Georgia, 1732.

26. How were the original Colonies settled?

The original Colonies were settled mainly by the English, excepting New York and Delaware, which were settled by emigrants from Holland and Sweden.

27. Upon what did the English base their claim to jurisdiction over the Colonies?

The English based their claim to jurisdiction over the Colonies upon the right of discovery.

28. How were the Indians regarded by the colonists?

The Indians were regarded by the Colonists as mere occupants of the soil, subject to removal at the pleasure of superior power.

29. What system of laws was adopted by the Colonies?

The system of laws adopted by the Colonies was the common law of England, which still forms, to a large extent, the system of jurisprudence in the United States.

30. How may the Colonial Governments be divided?

The Colonial Governments may be divided into three classes: Provincial, Proprietary, and Charter.

31. What were the Provincial Governments?

The Provincial Governments were those wholly under the control of the sovereign of Great Britain.

32. What Colonies were under Provincial Governments at the time of the Revolution?

The Colonies under Provincial Governments at the time of the Revolution were New Hampshire, New York, New Jersey, Virginia, North Carolina, South Carolina, and Georgia.

33. What were the Proprietary Governments?

The Proprietary Governments were those governed by a Proprietor, who derived not only the title to the soil, but also the power of government from the sovereign.

34. What Colonies were governed by Proprietors?

The Colonies governed by Proprietors were Pennsylvania, Delaware, and Maryland.

35. What were the Charter Governments?

The Charter Governments were those under the control of the sovereign, but having important political rights secured to them by charters.

36. What Colonies were under Charter Governments?

The Colonies under Charter Governments were Massachusetts, Rhode Island, and Connecticut.

37. What events led to the union of the Colonies ?

The events leading to the union of the Colonies were first the ravages of the Indian tribes and the encroachments of the Dutch and French, and afterwards the determined oppression of England.

38. When and where did the First Continental Congress meet ?

The First Continental Congress met at Philadelphia, September 5, 1774.

39. What important paper did the First Continental Congress prepare ?

The First Continental Congress prepared the Declaration of Rights.

40. When and where did the Second Continental Congress assemble ?

The Second Continental Congress met at Philadelphia, May 10, 1775.

41. What important step did the Second Continental Congress take ?

The Second Continental Congress declared the united Colonies independent.

42. When was the Declaration of Independence proclaimed to the world ?

The Declaration of Independence was proclaimed to the world July 4th, 1776.

43. When did the Colonies first assume the title of "The United States of America" ?

The Colonies first assumed the title of "The United States of America" in the Declaration of Independence.

44. What powers were assumed by the Continental Congress ?

The Continental Congress assumed all the powers that were necessary to insure the safety and maintain the independence of the United States.

45. What was the character of the powers assumed by the Continental Congress ?

The powers assumed by the Continental Congress were revolutionary.

46. How was the exercise of power by the Continental Congress justified?

The exercise of power by the Continental Congress was required by the necessities of the case, and was submitted to by the people.

47. How long did the Continental Congress continue to be the National Government?

The Continental Congress continued to be the National Government until March 2, 1781, near the close of the Revolution.

48. What form of government was adopted March 2, 1781?

The Articles of Confederation were then adopted.

49. What was the great defect of the Articles of Confederation?

The great defect of the Articles of Confederation was the want of sufficient power in the General Government.



OUTLINE OF THE ARTICLES OF CONFEDERATION.

1. The Confederation was declared to be a firm league of friendship between the several States.

2. Delegates to Congress were to be appointed annually, in such manner as the Legislature of each State might direct.

3. The power was reserved to the States to recall their delegates, or any of them, within the year, and to send others in their places for the remainder of the year.

4. No State was allowed representation in Congress by less than two, nor more than seven, members.

5. No person was eligible to a seat in Congress for more than three in any term of six years.

6. Each State had to maintain its own delegates in a meet-

ing of the States, and while acting as members of the Committee of the States.

7. In determining questions in the Congress, each State had but one vote.

8. All charges of war and other expenses, incurred for the common defence and general welfare, were to be defrayed out of a common treasury.

9. The treasury was to be supplied by the several States, in proportion to the value of all lands, and the improvements and buildings thereon, within each State, granted to or surveyed for any person, to be estimated according to the direction of Congress.

10. Congress was to send and receive ambassadors.

11. Congress was the tribunal of last resort, on appeal, in all disputes and differences, between two or more States, concerning boundary, jurisdiction, or any other cause whatever.

12. Congress was the tribunal to decide all controversies concerning the private right of soil claimed under different grants of two or more States, under certain limitations.

13. Congress was to commission all the officers of the United States.

14. Congress had authority to appoint a committee, to sit during the recess of that body, to be denominated "a Committee of the States," and to consist of one delegate from each State.

15. Canada, acceding to the Confederation, and joining in the measures of the United States, was to be admitted into the Union.

16. The Union was to be perpetual.

17. No provision was made for any such officer as President.

18. There was no national judiciary.

19. Congress consisted of but one house.



Blackboard Exercise, No. 1.

GENERAL PRINCIPLES AND COLONIAL RELATIONS.

I. GOVERNMENT. { 1. Derivation.
2. Definition.
3. Examples.

II. THE STATE.

III. LAW.

IV. FORMS OF GOVERNMENT. { 1. *Monarchy.* { a. Absolute.
b. Limited.
c. Hereditary.
d. Elective.
2. *Aristocracy.*
3. *Democracy.*

V. COLONIAL RELATIONS. { 1. *Settlements.* { a. Discovery.
b. Title.
2. *Governments.* { a. Provincial.
b. Proprietary.
c. Charter.
3. *Revolution.* { a. Origin.
b. Result.
4. *Confederation.*



ORIGIN OF THE CONSTITUTION.

50. What is the Constitution of the United States?

The Constitution of the United States is a form of government framed and adopted by the people of the United States, and obligatory upon all the States until it is altered, amended, or abolished by the people in the manner pointed out in the instrument itself.

51. How should the Constitution be interpreted?

The Constitution should be interpreted by endeavoring to ascertain the true sense and meaning of all the terms; not

narrowing or enlarging them, by straining them from their just and natural import.

52. Why should the Constitution be implicitly obeyed ?

The Constitution should be implicitly obeyed because the people have established it and spoken their will ; and their will, thus promulgated, is to be obeyed as the supreme law.

53. How is the Constitution construed in the first instance ?

The Constitution is construed in the first instance by each department of government in the exercise of its own powers.

54. Is the construction of the Constitution by each department of government final ?

Every citizen has a right to test the validity of that construction before the proper judicial tribunal, and to bring it to the test of the Constitution.

55. If judicial redress should fail, how may satisfaction be obtained in construing the Constitution ?

By means of new elections or proposed amendments, the people may check any usurpation of authority and relieve themselves from grievances.

56. How is the Constitution related to subordinate governments ?

State governments may continue and new ones be established, but always in conformity with the Constitution.

57. Where and when did the Convention which framed our present Constitution meet ?

The Constitutional Convention met at Philadelphia, May 14, 1787.

58. Who was chosen President of the Convention ?

George Washington was chosen President.

59. When was the Constitution finally ratified ?

The Constitution was finally ratified June 21, 1788.

60. Give the dates of the ratification of the Constitution in their order.

The Constitution was ratified by the States in the following order :

DELAWARE, December 7, 1787 ; PENNSYLVANIA, December 12, 1787 ; NEW JERSEY, December 18, 1787 ; GEORGIA,

January 2, 1788; CONNECTICUT, January 9, 1788; MASSACHUSETTS, February 6, 1788; MARYLAND, April 28, 1788; SOUTH CAROLINA, May 23, 1788; NEW HAMPSHIRE, June 21, 1788; VIRGINIA, June 26, 1788; NEW YORK, July 26, 1788; NORTH CAROLINA, November 21, 1789; RHODE ISLAND, May 29, 1790.

61. When did the present government go into operation under the new Constitution?

The first Congress met on the fourth of March, 1789, and George Washington was inaugurated President of the United States April 30, 1789.



CONSTITUTION OF THE UNITED STATES.

[**Note.**—The following text of the Constitution and Amendments should be carefully studied, so that the pupil can give the substance of the different clauses, with the subject of each. The leading titles, which form an analysis of the Constitution, do not appear in the original instrument. Numbers are placed at the left of each article, so that the different parts may be easily referred to throughout the book.]

The Enacting Clause.

- 1 | *We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.*

ARTICLE I.—LEGISLATIVE DEPARTMENT.

Section I.—Division into Two Houses.

- 2 | 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section II.—House of Representatives.

- 3 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.
- 4 2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.
- 5 3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and, until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.
- 6 4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.
- 7 5. The House of Representatives shall choose their

Speaker and other officers, and shall have the sole power of impeachment.

Section III.—Senate.

- 8 1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years; and each Senator shall have one vote.
- 9 2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year: and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.
- 10 3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.
- 11 4. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.
- 12 5. The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.
- 13 6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall pre-

side ; and no person shall be convicted without the concurrence of two-thirds of the members present.

- 14 7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States ; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Section IV.—Elections and Meetings of Congress.

- 15 1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof ; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

- 16 2. The Congress shall assemble at least once in every year ; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section V.—Powers and Duties of the Houses.

- 17 1. Each House shall be the judge of the elections, returns, and qualifications of its own members ; and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

- 18 2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

- 19 3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy ; and the yeas and nays of the members of either House

on any question shall, at the desire of one-fifth of those present, be entered on the journal.

- 20 4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section VI.—Privileges of and Prohibitions upon Members.

- 21 1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.
- 22 2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

Section VII.—Revenue Bills: President's Veto.

- 23 1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.
- 24 2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States: if he approve, he shall sign it; but, if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at

large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered ; and, if approved by two-thirds of that House, it shall become a law. But, in all such cases, the votes of both Houses shall be determined by yeas and nays ; and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return ; in which case it shall not be a law.

25 3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States, and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section VIII.—Express Powers of Congress.

The Congress shall have power,—

26 1. To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare, of the United States ; but all duties, imposts, and excises shall be uniform throughout the United States ;

27 2. To borrow money on the credit of the United States ;

28 3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes ;

- 29 4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States ;
- 30 5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures ;
- 31 6. To provide for the punishment of counterfeiting the securities and current coin of the United States ;
- 32 7. To establish post-offices and post-roads ;
- 33 8. To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries ;
- 34 9. To constitute tribunals inferior to the Supreme Court ;
- 35 10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations ;
- 36 11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water ;
- 37 12. To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years ;
- 38 13. To provide and maintain a navy ;
- 39 14. To make rules for the government and regulation of the land and naval forces ;
- 40 15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions ;
- 41 16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress ;

- 42 17. To exercise exclusive legislation in all cases
whatsoever over such district (not exceeding ten miles
square) as may, by cession of particular States and the
acceptance of Congress, become the seat of the Govern-
ment of the United States; and to exercise like author-
ity over all places purchased, by the consent of the
Legislature of the State in which the same shall be, for
the erection of forts, magazines, arsenals, dock-yards,
and other needful buildings. And,—
- 43 18. To make all laws which shall be necessary and
proper for carrying into execution the foregoing powers,
and all other powers vested by this Constitution in
the Government of the United States, or in any depart-
ment or officer thereof.

Section IX.—Prohibitions upon the United States.

- 44 1. The migration or importation of such persons as
any of the States now existing shall think proper to ad-
mit shall not be prohibited by the Congress prior to the
year one thousand eight hundred and eight; but a tax
or duty may be imposed on such importation, not ex-
ceeding ten dollars for each person.
- 45 2. The privilege of the writ of *habeas corpus* shall
not be suspended, unless when, in cases of rebellion or
invasion, the public safety may require it.
- 46 3. No bill of attainder, or *ex-post-facto* law, shall be
passed.
- 17 4. No capitation or other direct tax shall be laid, un-
less in proportion to the *census* or enumeration herein-
before directed to be taken.
- 48 5. No tax or duty shall be laid on articles exported
from any State. No preference shall be given by any
regulation of commerce or revenue to the ports of one
State over those of another; nor shall vessels bound to

or from one State be obliged to enter, clear, or pay duties, in another.

49 6. No money shall be drawn from the treasury but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

50 7. No title of nobility shall be granted by the United States ; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Section X.—Prohibitions upon the States.

51 1. No State shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make anything but gold and silver coin a tender in payment of debts ; pass any bill of attainder, *ex-post-facto* law, or law impairing the obligation of contracts ; or grant any title of nobility.

52 2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships-of-war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.—EXECUTIVE DEPARTMENT.

Section I.

Term : Election : Qualifications : Salary : Oath of Office.

53 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President chosen for the same term, be elected as follows:—

54 2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector.

(Superseded by the 12th Article of Amendments.)

55 3. The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and, if there be more than one who have such majority and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and, if no person have a majority, then, from the five highest on the list, the said House shall in like manner choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the

States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be Vice-President. But, if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President.

56 4. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

57 5. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

58 6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

59 7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:—

60 9. “I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States;

and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Section II.—President's Executive Powers.

- 61 1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States: he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.
- 62 2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.
- 63 3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions, which shall expire at the end of their next session.

Section III.—President's Executive Powers.

- 64 1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary

occasions, convene both Houses, or either of them, and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section IV.—Impeachment.

- 65 1. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.—JUDICIAL DEPARTMENT.

Section I.—Courts: Terms of Office.

- 66 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Section II.—Jurisdiction.

- 67 1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; (to controversies between two or more States,) between a State and citizens of another State, between citizens

of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

68 2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

69 3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed: but, when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section III.—Treason.

70 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

71 2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.—RELATIONS OF STATES.

Section I.—Public Records.

72 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings, of every other State. And the Congress may, by general

laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section II.—Mutual Rights.

- 73 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.
- 74 2. A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.
- 75 3. No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section III.—New States : Territories.

- 76 1. New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.
- 77 2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property, belonging to the United States ; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

Section IV.—National Protection.

- 78 1. The United States shall guarantee to every State in this Union a republican form of government, and shall

protect each of them against invasion, and, on application of the legislature or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V.—AMENDMENT.

- 79 1. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.—NATIONAL DEBTS: SUPREMACY OF NATIONAL LAW: OATH.

- 80 1. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation.
- 81 2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.
- 82 3. The Senators and Representatives before mentioned,

and the members of the several State legislatures, and all executive and judicial officers both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

ESTABLISHMENT OF CONSTITUTION.

- 83 1. The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.—FREEDOM OF RELIGION, SPEECH, AND PRESS; RIGHT OF PETITION.

- 84 Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.—RIGHT TO KEEP ARMS.

- 85 A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.—QUARTERING OF SOLDIERS IN PRIVATE HOUSES.

- 86 No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law.

ARTICLE IV.—SEARCH-WARRANTS.

- 87 The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated ; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.—CRIMINAL PROCEEDINGS.

- 88 No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger ; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb ; nor shall be compelled, in any criminal case, to be a witness against himself ; nor be deprived of life, liberty, or property, without due process of law ; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.—CRIMINAL PROCEEDINGS.

- 89 In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law ; and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have compulsory process for obtaining witnesses in his favor ; and to have the assistance of counsel for his defence.

ARTICLE VII.—JURY TRIAL IN CIVIL CASES.

- 90 In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by

jury shall be preserved ; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII.—EXCESSIVE PUNISHMENTS.

- 91 Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.—RIGHTS OF PEOPLE NOT NAMED.

- 92 The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.—POWERS RESERVED TO STATES.

- 93 The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.—SUITS AGAINST STATES.

- 94 The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

- 95 1. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves : they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President ; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of

the number of votes for each ; which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted : the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed ; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote : a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death, or other constitutional disability, of the President.

96 2. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed ; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President : a quorum for the purpose shall consist of two-thirds of the whole number of Senators ; and a majority of the whole number shall be necessary to a choice.

97 3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.—ABOLITION OF SLAVERY.

- 98 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.—CIVIL RIGHTS.

Citizenship.

- 99 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Apportionment of Representatives.

- 100 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Political Disabilities.

- 101 3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Public Debt.

- 102 4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection and rebellion, shall not be questioned.

But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims, shall be held illegal and void.

Enforcement by Congress.

5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

ARTICLE XV.—RIGHT OF SUFFRAGE.

SECTION 1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.

- 103 SECTION 2. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

QUESTIONS

ON THE

CONSTITUTION OF THE UNITED STATES.



Note.—The pupil having now made himself familiar with the text of the Constitution, its various clauses will be examined in detail.

The Enacting Clause.

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." [1.]

62. What is the first clause of the Constitution sometimes called?

The first clause of the Constitution is sometimes called the Preamble.

63. Was the term "Preamble" used by the framers of the Constitution?

The word "Preamble" was not used by the framers of the Constitution, and it is not found in the original manuscript.

64. What is the difference between a preamble and an enacting clause?

65. How does the enacting clause show the difference between the Articles of Confederation and the Constitution?

The Articles of Confederation were a compact between the States as such, while the enacting clause shows the Constitution to be a compact of the People.

66. What are the objects of the enacting clause?

The objects of the enacting clause are to state the authority and purposes of the Constitution, to put it into effect, and to name the nation for whose benefit it is enacted.

67. What were the purposes for which the Constitution was adopted?

68. How is the enacting clause related to all the other clauses of the Constitution?

The enacting clause forms a valuable aid in interpreting the true meaning of the other clauses of the Constitution.

69. Into how many departments does the Constitution divide the government of the United States?

The Constitution divides the government of the United States into three departments: the Legislative, Executive, and Judicial.

70. What is the Legislative power?

The Legislative power is the power which makes the laws.

71. What is the Executive power?

The Executive power is the power which carries the laws into effect.

72. What is the Judicial power?

The Judicial power is the power which interprets the laws.

73. How many articles does the Constitution contain?

74. To what does each article of the Constitution relate?

75. Are the three great departments of government entirely distinct?

The three great departments of government are not distinct. The President has a veto on legislation, the Senate sometimes sits as a court, and sometimes transacts executive business.

Blackboard Exercise, No. II.

CIVIL GOVERNMENT.	{	1. <i>Legislative.</i>	{ 1. House of Representatives. [2.] 2. Senate. [2.] 3. President U. S. [24.] *
		2. <i>Executive.</i>	President of U. S. [53.]
		3. <i>Judicial.</i>	{ 1. Supreme Court. [66.] 2. Inferior Courts. [66.] 3. The Senate. [13.] †

* Exercises the power of veto over Congressional legislation.

† In cases of impeachment.

ARTICLE I.—THE LEGISLATIVE DEPARTMENT.

Section I.—Congress.

"All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." [2.]

76. To what does this section relate?

77. Define the words "legislative," "vested," and "Congress." *

78. Of what does the Congress of the United States consist?

79. How was all authority vested under the Confederation?

80. Was there any Executive or Judicial department under the Confederation?

81. How many houses do most legislative bodies have?

82. How many houses did the Continental Congress have?

83. What is the advantage of dividing the legislative body into two branches?

The advantage of dividing a legislative body into two branches is that each serves to act as a check upon the other.

84. How is the British Parliament composed?

85. How does the British Parliament correspond with the Congress of the United States?

Section II.—House of Representatives.

Clause I. *"The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."* [3.]

86. Define the words "Representatives," "several," "qualifications," and "legislature."

87. How is the House of Representatives composed?

88. How often are Representatives chosen?

89. By whom are Representatives chosen?

90. Who are meant by "electors"?

* The teacher should insist upon a careful definition of terms before proceeding to the following questions.

By "electors," voters are meant.

91. What are the qualifications of voters for Representatives?

92. How often were members of Congress chosen under the Confederation?

93. By whom were members of Congress chosen under the Confederation?

94. Could members of Congress be recalled under the Confederation?

95. Why does the Constitution make the term of Representatives short?

The Constitution makes the term of Representatives short, in order that they may come frequently and directly under the supervision of the people.

96. What difference of opinion was there about the term of Representatives in the Constitutional Convention?

In the Constitutional Convention some were in favor of a term of one and others of three years for Representatives.

97. What is the term of a member of the British House of Commons?

The term of a member of the British House of Commons is seven years.

98. Why are Representatives elected by the people?

Representatives are elected by the people in order to bring one branch of the National Legislature into the closest relations with the people.

99. How else might Representatives have been elected?

Representatives might have been elected by the State Legislatures?

100. How are the qualifications of voters defined?

The qualifications of voters are defined by the States.

101. In voting for Representatives, how are the States divided?

In voting for Representatives, the States are divided into what are called Congressional districts.

102. Into how many Congressional Districts is each State divided?

Each State is divided into as many Congressional Districts as the State has Representatives.

103. How are Congressional Districts designated?

Congressional Districts are designated by numbers.

104. For how many candidates do the electors of each Congressional District vote?

The electors of each Congressional District vote for one candidate, though the candidate need not be a resident of the voters' district.

105. When was the law passed requiring elections of Representatives by Districts?

106. How many Congressional Districts are there in your State?

107. Who are the Representatives of your State?

108. When will the terms of the Representatives from your State expire?

109. What is the most numerous branch of your State Legislature called?

110. What are the qualifications of those who vote for the members of the most numerous branch of your State Legislature?

111. What is the number of the present Congress?

112. When will the present Congress expire?

113. Which political party is in the majority in the present Congress?

114. When does the official year of our government begin?

The official year of our government begins March 4th.

115. When does the fiscal year begin?

The fiscal year of our government begins July 1st.

Clause II. *"No person shall be a Representative, who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."* [4.]

116. Define the words "Representative," * "attained," "citizen," "elected," "inhabitant," and "chosen."

117. To what does this clause relate?

* The definitions of words are sometimes repeated for the purpose of review.

This clause relates to the qualifications of Representatives.

118. How old must a Representative be?

119. How long must a Representative have been a citizen of the United States?

120. What is required of Representatives in regard to residence?

121. Can the States require any qualifications of Representatives which the Constitution does not?

It has been decided that the States cannot require qualifications of Representatives which the Constitution does not.

122. Who prescribed the qualifications of Representatives under the Confederation?

The States prescribed the qualifications of Representatives under the Confederation.

123. What age is required in the British Parliament?

Members of the British Parliament are required to be twenty-one years of age.

124. What age is required for membership in the State Legislatures?

For membership in the State Legislatures, the age of twenty-one years is required.

125. Is a Representative required to be a natural-born citizen?

126. How long must an alien reside in this country before he can become a Representative in Congress?

A law of Congress requires five years' residence before an alien can become naturalized; which, added to seven years' citizenship, requires twelve years' actual residence.

127. Is any exception made in favor of aliens who have served in the army? (See Question 540.)

128. Must a Representative be a resident of the District in which he is chosen?

A Representative is not required to be a resident of the District in which he is chosen, but simply of the State.

129. Why should a Representative be a resident of the State in which he is chosen?

A Representative should be a resident of the State in which he is chosen, in order that he may be better acquainted with the wants of the people whom he represents, and guard their interests.

130. Are Representatives required to continue their residence in the State which they represent?

Representatives are not required to continue their residence in the States in which they are chosen; they may hold their seats in Congress even though they should change their residence.

131. Do members of Parliament ever represent other boroughs than those in which they live?

Members of Parliament frequently represent other boroughs than those in which they live.

132. Does the Constitution require a Representative to be a voter?

The Constitution does not require a Representative to be a voter.

133. Under what circumstances would the seven years' citizenship not be required of Representatives?

The seven years' citizenship would not be required if a State should come into the Union by conquest or purchase. The inhabitants would become citizens at once, and the seven years would not be insisted upon.

134. Can a person who has been disloyal be a Representative? [101.]

135. Can a person holding an office under the United States be a Representative? [22.]

A person holding an office under the United States cannot be a Representative; he must first resign his office.

136. How old is the Representative from your District?

137. Does the Representative of your District still reside in that District?

138. By what political party was the Representative of your District elected?

Clause III. *“Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three*

years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three." [5.]

139. Define "Representatives," "direct taxes," "apportioned," "several," "respective," "determined," "service," "enumeration," "subsequent," and "entitled."

140. How are Representatives and direct taxes apportioned among the several States?

141. Are any besides free persons counted in apportioning Representatives?

142. Who are meant by those bound to service for a term of years?

By those bound to service for a term of years apprentices are meant.

143. What provision is made in regard to apprentices in apportioning Representatives?

144. What provision is made in regard to Indians in apportioning Representatives?

145. How is the whole number of free persons ascertained in apportioning Representatives?

146. What must be added to the whole number of free persons in apportioning Representatives?

147. Who are meant by "other persons"?

By the expression "other persons" used in this clause slaves are meant.

148. How has the portion of the clause referring to slaves been changed?

The portion of the clause referring to slaves has been changed by the Fourteenth Amendment. [100.]

149. When was the first enumeration to be made?

150. When was the first census actually made?

The first census was made in 1790.

151. How often has the census been taken since 1790?

152. In what manner is the enumeration to be made?

153. How was the number of Representatives originally limited?

154. To how many Representatives was each State entitled until the first census was taken?

155. When was the last apportionment made?

The last apportionment of Representatives was made in 1882.

156. By what census was the apportionment of 1882 determined?

The apportionment of 1882 was determined by the census of 1880.

157. What is the ratio of representation under the apportionment of 1882?

The ratio of representation under the apportionment of 1882 is one Representative for every 151,912.

158. What is the whole number of Representatives under the apportionment of 1882?

The whole number of Representatives under the apportionment of 1882 is three hundred and twenty-five.

159. How did the States vote in Congress under the Confederation?

In the Congress under the Confederation each State had one vote.

160. How do members of the House of Representatives vote?

Each member of the House of Representatives has one vote, and his vote is counted without reference to other Representatives from the same State, thus giving each State as many votes as it has Representatives.

161. How are Territories represented in Congress?

Each Territory is allowed to send one delegate to Congress, who may engage in debates, but who cannot vote.

162. How many Territorial delegates are there in the present Congress?

163. How is the whole number of Representatives under a regular apportionment sometimes increased?

The whole number of Representatives is sometimes increased by the admission of new States.

164. Has the present Representative apportionment been increased by the admission of new States ?

165. Is the District of Columbia represented in Congress ?

166. Which State had the largest number of Representatives in the First Congress ?

167. Which State has the largest number of Representatives in Congress now ?

168. What is the smallest number of Representatives a State can have ?

169. Of how many members did the first House of Representatives consist ?

170. State exactly how Representatives are apportioned now.

The manner in which an apportionment is made is this : Representation is based upon the number of persons in the States, excluding Indians not taxed. This number, for the whole country, according to the census of 1880, was 49,371,340. Dividing this number by 325, which was fixed upon for a full House of Representatives, the result was one hundred and fifty-one thousand nine hundred and twelve.

This is known as the Representative quota. Now as every State must have one Representative, there is first assigned one to each of the States which have less than the number above given. Then the population of each State is divided by one hundred and fifty-one thousand nine hundred and twelve, and the quotient and remainder are carefully noted.

Next, Representatives are assigned to the several States, to the number so ascertained upon a division. Finally, additional Representatives are given to the States having the largest remainders, until the full number of 325 is obtained. A strong effort has been made to secure the adoption of a different plan, but the result of taking up with it has seemed to so many people to be unjust, that it has not been carried.

At present, the House of Representatives consists of three hundred and twenty-five members. This distribution is based upon the census of 1880, and allows one member for every 151,912 inhabitants. The following table shows how many Representatives each State now has, how many it had in the preceding decade, and the gain or loss in each State.

State.	Present Number.	Number Heretofore.	Gain.	Loss.
1. Alabama.....	8	8		
2. Arkansas	5	4	1	
3. California.....	6	4	2	
4. Colorado.....	1	1		
5. Connecticut.....	4	4		
6. Delaware.....	1	1		
7. Florida.....	2	2		
8. Georgia.....	10	9	1	
9. Illinois.....	20	19	1	
10. Indiana.....	13	13		
11. Iowa.....	11	9	2	
12. Kansas.....	7	3	4	
13. Kentucky.....	11	10	1	
14. Louisiana.....	6	6		
15. Maine.....	4	5		1
16. Maryland.....	6	6		
17. Massachusetts.....	12	11	1	
18. Michigan.....	11	9	2	
19. Minnesota.....	5	3	2	
20. Mississippi.....	7	6	1	
21. Missouri.....	14	13	1	
22. Nebraska.....	3	1	2	
23. Nevada.....	1	1		
24. New Hampshire....	2	3		1
25. New Jersey.....	7	7		
26. New York.....	34	33	1	
27. North Carolina....	9	8	1	
28. Ohio.....	21	20	1	
29. Oregon.....	1	1		
30. Pennsylvania.....	28	27	1	

State.	Future Number.	Present Number.	Gain.	Loss.
31. Rhode Island.....	2	2		
32. South Carolina.....	7	5	2	
33. Tennessee.....	10	10		
34. Texas	11	6	5	
35. Vermont.....	2	3		1
36. Virginia.....	10	9	1	
37. West Virginia.....	4	3	1	
38. Wisconsin.....	9	8	1	
Total.....	325	293	35	3

Fourteen States gain one member each; six gain two each; one gains four, and one gains five. Three States lose one member each, and thirteen have an unchanged representation. The three which lose are all in New England, and the two largest gainers are Kansas and Texas in the Southwest.

Clause IV. *“When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.”* [6.]

171. Define the words “vacancies,” “representation,” “issue,” “writs,” and “election.”

172. To what does this clause relate?

173. How are vacancies in the House of Representatives filled?

174. How may vacancies in the House of Representatives happen?

Vacancies may happen in the House of Representatives by death, resignation, removal, or accepting offices which Representatives are not allowed to hold.

175. How long does the person elected to fill a vacancy in the House of Representatives hold his office?

A person elected to fill a vacancy in the House of Representatives only holds the office during the remainder of the term.

176. How are writs of Representative elections directed?

Writs of Representative elections are directed to the Congressional District in which the vacancy occurs.

177. What is the election held in accordance with Executive writs called?

The election held in accordance with Executive writs is called a Special Election.

178. Is there any vacancy in the representation of your State?

179. What is meant by the Executive authority of a State?

Clause V. *"The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment."* [7.]

180. Define the words "House," and "sole."

181. What is meant by the "Speaker"?

The Speaker is the presiding officer of the House of Representatives.

182. What was the presiding officer of the Continental Congress called?

The presiding officer of the Continental Congress was called the President.

183. Who are meant by the "other officers"?

184. What is the power of impeachment?

Impeachment is the right which Representatives have to bring an accusation against officers of government for mal-administration of office.

185. By whom are the Speaker and other officers appointed?

186. How is the Speaker of the House of Representatives chosen?

The Speaker of the House of Representatives is chosen from among the members themselves, being himself a Representative.

187. Why is it important that the Speaker of the House should be a Representative?

A Speaker not responsible to the House might be the cause of considerable trouble.

188. Are the other officers members of the House?

The officers of the House of Representatives other than the Speaker are not members of the House.

189. How is the office of Clerk of the House of Representatives usually filled?

The office of Clerk of the House of Representatives is usually filled by an ex-member of Congress.

190. Why is the office of Clerk one of great importance?

The office of Clerk of the House of Representatives is one of great importance because he presides at the organization of the subsequent Congress, and it sometimes occurs that a Speaker is not elected at once.

191. What are the duties of the Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain?

192. Who has the sole power of impeachment?

193. Are impeachments tried by the House of Representatives?

Impeachments are tried by the Senate.

194. What are the duties of the House of Representatives in cases of impeachment?

The duties of the House of Representatives in cases of impeachment, are to make inquiry, prepare a report accordingly, draw up articles containing charges, and appoint a committee to prosecute the impeachment before the Senate.

195. Who are the present officers of the House of Representatives?

196. Are any of the present officers of the House of Representatives residents of your State or District?

197. In which Representative District do you live?

198. To which political party does the present Speaker of the House belong?

Principal Officers of the House.

SPEAKER,

CHAPLAIN,

CLERK OF THE HOUSE,

CHIEF CLERK,

SERGEANT-AT-ARMS,

POSTMASTER,

DOORKEEPER,

SUPERINTENDENT OF FOLDING-ROOM,

SUPERINTENDENT OF UPPER DOCUMENT-ROOM,

SUPERINTENDENT OF LOWER DOCUMENT-ROOM,

LIBRARIAN,

STENOGRAPHERS,

OFFICIAL REPORTERS OF DEBATES, and

PUBLIC PRINTER.

Blackboard Exercise, No. III.

HOUSE OF REPRESENTATIVES.	I. COMPOSITION. [3.]	
	II. TERM. [3.]	
	III. ELECTION. [3.]	
	IV. ELECTORS. [3.]	
	V. QUALIFICATIONS.	<div> 1. Age. [4.] 2. Citizenship. [4.] 3. Inhabitaney. [4.] 4. Disencumbrance. [22.] 5. Loyalty. [101.] </div>
	VI. APPORTIONMENT. [5.]	
	VII. PROPORTION. [5.]	
	VIII. CENSUS. [5.]	
	IX. VACANCIES. [6.]	
	X. OFFICERS. [7.]	
	XI. POWERS. [7.]	

Section III.—The Senate.

Clause I. *"The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote."* [8.]

199. What is the derivation and meaning of the word "Senate"?
200. Define the words "composed," "chosen," and "vote."
201. How is the Senate composed?
202. By whom are Senators chosen?
203. For how long are Senators chosen?
204. How many votes has each Senator?
205. Why was it arranged that the Senate should be composed of two Senators from each State?

The composition of the Senate was the result of a compromise between the larger and smaller States; the smaller States consenting to representation in the House on the basis of population, and the larger States consenting to equality in the Senate.

206. Is there any distinction in the Senate between States on account of size?

207. How does the organization of the Senate differ from that of the House?

208. Of how many members is the Senate at present composed?

209. What is the difference in the mode of electing Senators and Representatives?

210. Does the Constitution prescribe the precise method in which the Legislature of a State shall choose the Senators?

The Constitution does not prescribe the precise method by which the Legislature of a State shall choose Senators, but Congress has regulated the time and manner of holding such elections.

211. How has Congress regulated the time of electing Senators?

Congress has provided that the Legislature of each State, which shall be chosen next preceding the expiration of the time for which any Senator was elected, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator.

212. How has Congress regulated the manner of electing Senators?

Congress has also provided that each House of the State Legislature separately shall nominate a person for Senator; the next day they shall meet in joint assembly; and, if upon casting their votes the same person shall have received a majority of all the votes in each House, he shall be declared elected. If no person has received such majorities, the joint assembly shall cast at least one vote each day until a Senator is elected.

213. How is the election of Senators certified?

The election of Senators is certified by the Governor of the State.

214. Can the Governor exercise the usual veto upon the election of Senators in the Legislature?

He cannot.

215. How does the term of the Senator differ from that of the Representative?

216. Why is a long term of service fixed for Senators?

A long term is fixed for Senators in order to secure dignity, independence, and experience, and to give enough time for a fair trial of measures of great importance.

217. What difference of opinion existed in reference to the Senatorial term in the Constitutional Convention?

Terms of three, four, five, six, seven, and nine years were proposed; and some were in favor of extending the term for life.

218. How did the Continental Congress vote?

The Continental Congress voted by States; the entire delegation from each State having but one vote.

219. How do Senators vote under the Constitution?

Under the Constitution each Senator has his own independent vote, which is counted whether his colleague is present or not; and questions are decided by the votes of members, and not of States.

220. Who are the Senators from your State?

221. When will the terms of the Senators from your State expire?

222. To what political party do the Senators of your State belong?

223. Have the Senators from your State served more than one term?

Clause II. *"Immediately after they shall be assembled, in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."* [9.]

224. Define the words "seats," "vacated," "expiration," "resignation," "recess," "executive," and "temporary."

225. To what does the first part of this clause relate?

226. Into how many classes were the Senators of the First Congress divided?

227. How long did the Senators of each of the first three classes hold their seats?

228. How long do their successors hold their seats?

Six years.

229. What proportion of the Senators is chosen every second year?

230. What was the object of the original classification of the Senate?

The object of the original classification of Senators was to have always in the Senate a large number of members who were well versed in public business.

231. When do the terms of the successors of the first Senators expire?

As the Constitution went into operation in 1789, the terms of the successors of the first class expired in 1797, 1803, 1809, and so on; the successors of the second class in 1799, 1805, 1811, and so on; and the successors of the third class in 1801, 1807, 1813, and so on.

232. Two Senators from Ohio took their seats in 1803: one was placed in the first class, and the other in the third. How long did each serve?

233. How is a Congress measured?

A Congress is measured by the term of the Representatives.

234. When did the present Congress begin?

235. What is the number of the present Congress?

236. How can vacancies happen in the Senate?

237. How are vacancies in the Senate usually filled?

238. Who fills vacancies in the Senate if they happen during the recess of the State Legislature?

239. How long do such persons serve?

240. Has the Governor of the State any authority to fill vacancies when the Legislature is in session?

241. How long does a Senator chosen by the Legislature to fill a vacancy hold his seat?

A Senator chosen by the Legislature to fill a vacancy holds his seat only until the expiration of his predecessor's term.

242. To which classes do the Senators of your State belong?

243. Were the Senators from your State elected regularly for the full term, or to fill vacancies?

Clause III. *"No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."* [10.]

244. Define the words "Senator," "attained," "citizen," and "inhabitant."

245. To what does this clause relate?

To the qualifications of Senators.

246. How old must a Senator be?

247. How long must a Senator have been a citizen of the United States?

248. What provision is made in regard to the residence of a Senator?

249. Compare the qualifications of Representatives and Senators.

250. Why is a Senator required to be older than a Representative?

A Senator is required to be older than a Representative because his duties are thought to be of a more serious character, requiring dignity, firmness, and independence.

251. What age was required in a Roman Senator?

A Roman Senator was required to be thirty years of age.

252. What is the shortest space of time which must elapse before an alien can become a United States Senator? [29.]

253. Have any cases ever occurred of elections to the Senate without the requisite number of years of citizenship?

Albert Gallatin was so elected from Pennsylvania in 1793, and his seat vacated by resolution of the Senate. James Shields was so elected from Illinois in 1849, and his seat was in like manner vacated; but he was re-elected a short time later; the disability being by that time removed.

254. Can a Senator change his residence to another State after his election?

255. Is a Senator the representative of any particular State?

256. How old are the Senators from your State?

257. Are the Senators from your State native born, or naturalized citizens?

258. Do the Senators from your State reside in the State in which they were elected?

259. Can a United States officer become a Senator? [22.]

260. Can a disloyal person be a Senator? [101.]

261. Are Senators and Representatives officers of the United States?

It has been decided that they are not.

Clause IV. *"The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided."* [11.]

262. Define the words "Vice-President," "President," "Senate," and "vote."

263. Who is President of the Senate?

264. When is the President of the Senate entitled to vote?

265. Why was the Senate not allowed to choose a presiding officer from among their own members?

The Senate was not allowed to choose a presiding officer from among their own members lest the State whose Senator should be elected should gain too much influence in the National Legislature.

266. Why is there not the same danger in the House of Representatives?

There is not the same danger in the House of Representatives because that body is so much more numerous.

267. How do the State Legislatures follow the example of the Senate of the United States in reference to their presiding officer?

The Lieutenant-Governor presides in the State Senate.

268. What was the original plan of the Constitution in reference to a Vice-President?

There was to be no such officer as the Vice-President according to the original plan of the Constitution. The Senators were to elect their own presiding officer, who was to become President of the United States in case of the death, resignation, or removal of that officer.

269. How only has the Vice-President's vote any effect?

In aiding the affirmative; the proposed bill has failed when the Senate is equally divided, unless the Vice-President assist.

270. What becomes of a bill when the House of Representatives is equally divided?

When the House of Representatives is equally divided, a bill is lost.

271. Has the Vice-President's vote ever helped to carry any measures of great importance?

272. Who presides in the English House of Lords?

In the English House of Lords the Lord Chancellor, or some other person appointed by the Crown, presides. If no person be appointed, the Lords elect.

273. Who is the present President of the Senate?

Clause V. "*The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.*" [12.]

274. Define "*pro tempore*," "*exercise*," and "*office*."

275. To what does this clause relate?

276. How are the officers of the Senate chosen?

277. When does the Senate choose a President *pro tempore*?

278. How is the President *pro tempore* of the Senate chosen?

The President *pro tempore* of the Senate is elected from among the members of the Senate.

279. How many times in our history has the Vice-President been called to perform the duties of President?

280. Is the President *pro tempore* of the Senate chosen permanently?

The President *pro tempore* of the Senate is not chosen permanently; but it is customary to continue to elect the same Senator.

281. Is the President *pro tempore* of the Senate limited to a casting vote?

The President *pro tempore* of the Senate is not limited to a casting vote; he has his vote as a Senator.

282. When the Vice-President succeeds to the Presidency, what salary does the President *pro tempore* of the Senate receive?

The President *pro tempore* of the Senate receives the salary of the Vice-President of the United States when he succeeds to the Presidency.

283. Why cannot the President *pro tempore* of the Senate be styled Vice-President of the United States?

The Vice-President is an officer of the United States, the President *pro tempore* is a member of the Senate; the former has only a casting vote, the latter votes the same as any other Senator; the former must be thirty-five years of age, the latter need not be over thirty; the former serves out the balance of the term of the President, when he succeeds him; the latter only until a President can be selected; the former can be impeached, the latter cannot.

284. Can the term of the President *pro tempore* continue beyond his Senatorial term?

The term of the President *pro tempore* cannot continue beyond his Senatorial term.

285. Who are the "other officers" of the Senate?

CHAPLAIN,

SECRETARY OF THE SENATE,

CHIEF CLERK,

PRINCIPAL EXECUTIVE CLERK,

PRINCIPAL LEGISLATIVE CLERK,

SERGEANT-AT-ARMS,

POSTMASTER,

SUPERINTENDENT OF FOLDING-ROOM,

SUPERINTENDENT OF DOCUMENT-ROOM,

OFFICIAL REPORTERS OF DEBATES.

Clause VI. "*The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief-Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.*" [13.]

286. Define the words "impeachments," "sitting," "oath," "affirmation," "Chief-Justice," and "concurrence."

287. To what does this clause relate?

288. By whom are impeachments tried?

289. How are Senators bound when sitting as a Court in cases of impeachment?

290. Who presides when the President of the United States is tried in case of impeachment?

291. What is necessary in order to convict a person on impeachment?

292. How is the character of the Senate changed when trying cases of impeachment?

When trying cases of impeachment, the Senate ceases to be legislative, and assumes judicial powers.

293. Where are the power and trial of cases of impeachment vested in the British Parliament?

In the British Parliament the power of impeachment is with the House of Commons, the trial with the Lords; but the Lords are not bound by a special oath, and a majority is sufficient to convict.

294. Why does the Chief-Justice preside when the President is tried in case of impeachment?

Because the Vice-President is interested in the result of the trial; and if the President is convicted, the Vice-President succeeds to his office.

295. Why could not cases of impeachment be tried by the Supreme Court?

Because the questions involved are more of a political than a legal character.

296. Does the President of the United States continue in the discharge of his duties during his trial in case of impeachment?

President Johnson did; and Congress has enacted no law to the contrary.

297. How many cases of impeachment have occurred in our history?

There have been six: William Blount, 1798; John Pickering, 1803; Samuel Chase, 1804; James H. Peck, 1830; West H. Humphries, 1862; and Andrew Johnson, 1868.

298. How many of these were convicted?

Only two: Judges Pickering and Humphries.

299. Why should not the verdict of the Senate in cases of impeachment be unanimous, as in a trial by jury?

In consequence of the influence of political feelings, few persons could ever be convicted.

300. Why is a majority of two-thirds required for conviction in cases of impeachment?

To guard against hasty and inconsiderate decisions.

Clause VII. *“Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.”* [14.]

301. Define the words “judgment,” “impeachment,” “disqualification,” “trust,” “profit,” “convicted,” “subject,” and “indictment.”

302. To what does this clause relate?

303. How far shall judgment in cases of impeachment extend?

304. To what are persons convicted in cases of impeachment afterwards liable?

Persons convicted when impeached are afterwards liable to be tried by jury for the criminal violation of law.

305. How are impeached persons when convicted punished in England?

The person convicted may be fined, imprisoned, banished, or put to death.

306. What is the nature of the punishment in the United States of impeached persons when convicted?

It is political in its character; being removal from office, and disqualification to hold it.

307. How do the Senators vote in cases of impeachment?

Each Senator, on each article of the impeachment, votes *yea* or *no* on the guilt of the accused.

308. How is judgment in cases of impeachment pronounced?

Each Senator answers *yea* or *no*, first in reference to removal from office, and afterwards to disqualification to hold office.

309. How were Judges Humphries and Pickering punished?

The former was removed from office and disqualified to

hold any other under the United States; the latter was removed from office only.

Blackboard Exercise, No. IV.

SENATE.	I. COMPOSITION. [8.]	
	II. ELECTION. [8.]	
	III. TERM. [8.]	
	IV. VOTE. [8.]	
	V. CLASSIFICATION. [9.]	
	VI. VACANCIES. [9.]	
	VII. QUALIFICATIONS.	{ 1. Age. [10.] 2. Citizenship. [10.] 3. Inhabitaney. [10.] 4. Disencumbrance. [22.] 5. Loyalty. [101.]
	VIII. OFFICERS.	{ 1. Presiding. [11.] 2. Other. [11.]
	IX. POWERS.	{ 1. Legislative. [23, 24, 25.] 2. Executive. { a. Appointments. [62.] b. Treaties. [62.] 3. Elective. { a. Senate Officers. [12.] b. Vice-President U. S. [96.] 4. Judicial. [13, 14.]

Section IV.—Elections and Meetings of Congress.

Clause I. *“The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof: but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.” [15.]*

310. Define the words “elections,” “prescribed,” “alter,” and “regulations.”

311. To what does this clause relate?

312. Who regulates the elections of Senators and Representatives?

313. To what three particulars are regulations as to Senators and Representatives limited?

314. What power has Congress over the elections of Senators and Representatives?

315. How is the power of Congress over the elections of Senators and Representatives limited?

316. Why should the power of regulating Congressional elections be given first to the State Legislatures?

Because they are the best judges of the local conveniences of their own States.

317. Why is not the power to regulate Congressional elections given unreservedly to the States?

Because they might for reasons of State wholly neglect to make the necessary provisions for holding them.

318. Illustrate this.

A State might refuse to provide for the election of Senators and Representatives, and multiplied instances of this sort might embarrass legislation, and finally endanger the existence of the government.

319. Give an instance of the refusal on the part of a State under the Confederation, to be represented in Congress.

Rhode Island withdrew its members from Congress to prevent the passage of important measures.

320. How did Congress first provide for Congressional elections?

An act was passed June 25, 1842, providing that Representatives should be elected by districts of contiguous territory, equal to the number of Representatives.

321. How has Congress further regulated Congressional elections?

It has prescribed the mode of electing Senators; provided that Representatives shall be voted for by written or printed ballots; and fixed the Tuesday after the first Monday in November as the day on which Representatives shall be elected throughout the United States.

322. Why is the place of choosing Senators left unalterably with the Legislatures of the several States?

In order that Congress should not have the right to prescribe to the State Legislatures their places of meeting.

323. How was the Congressional control of elections for Senators and Representatives regarded by the State Conventions called to ratify the Constitution?

It was opposed by some on the ground that it would in the end destroy suffrage.

324. Why has Congressional control of elections of Senators and Representatives worked well so far?

Because the States prescribe the *qualifications* of voters, and it makes very little difference who prescribes the *time*, *places*, and *manner of holding elections*.

325. Where are the Senators from your State elected?

326. Locate the capital of your State.

Clause II. "*The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.*" [16.]

327. To what does this clause refer?

328. How often is Congress required to assemble?

329. What day is fixed for the meeting of Congress?

330. Has Congress the power to alter the date of its annual meeting?

331. How many regular sessions are there in each term of Congress?

332. How long does the first regular session of each Congress usually continue?

From December of the odd year till the following spring or summer.

333. When does the second regular session of Congress close?

On the 4th of March of the even year.

334. Is there a third regular session of Congress?

335. Can the President convene Congress at any time? [64.]

336. Can the President prevent meetings of Congress?

337. What would have been the result of the omission of this clause from the Constitution?

The time of assembling would have been left to Congress itself, or some other department of the Government. "

338. What danger would there have been in making no Constitutional provision for meeting of Congress?

In times of corruption or usurpation, the Government might neglect altogether, or put off the meeting of Congress, for the purpose of preventing the correction of abuses.

339. Why is the place of meeting of Congress not designated in the Constitution?

Because the seat of the National Government was not

then established, and because war, pestilence, or some other accidental cause might interfere with the meeting at any named place.

340. Where does Congress now meet?

341. At what different places has Congress met since the adoption of the Constitution?

342. Would a Congress be illegal, and without power to legislate, if it did not meet on the first Monday in December?

343. Who convenes and dissolves the English Parliament?

The Sovereign can convene and dissolve them at any time.

344. What is the longest session of Congress on record?

345. What was known as the long Parliament in English history?

Section V.—Powers and Duties of the Houses.

Clause I. *“Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.”* [17.]

346. Define the words “judge,” “elections,” “returns,” “qualifications,” “majority,” “constitute,” “quorum,” “adjourn,” and “penalties.”

347. Who decides whether a person has been properly elected to Congress?

348. Who is the judge of the qualifications of persons claiming seats in Congress?

349. What constitutes a quorum of either House of Congress?

350. What authority has the minority in either House of Congress in reference to adjournment?

351. How may the attendance of Congressional absentees be made compulsory?

352. Who furnishes certificates of election to Congress?

The State authorities.

353. Why should each House of Congress be the judge of the validity of the certificates of those claiming seats?

To enable it to maintain its independence, and to exclude

persons illegally elected, or morally unfitted for membership in Congress.

354. Is there any appeal from the decision of either House of Congress concerning the claims of candidates for seats?

355. Why is it necessary to forbid the transaction of business in either House of Congress unless a certain number of members are present?

To prevent the passage of bad laws and the repeal of good ones by stealth.

356. What is the rule of the House of Representatives in reference to compelling the attendance of absent members?

Fifteen members, including the Speaker, can compel attendance.

357. At what period of our history did the first part of this clause become a very important one?

Just after the Civil War (1861-1865); although very frequently, at other times, persons holding certificates of election have not been deemed entitled to membership.

358. When either House of Congress is discussing and voting upon certificates of membership, is it legislative or judicial in its character?

Clause II. *"Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."* [18.]

359. Define the words "determine," "rules," "proceedings," "concurrence," and "expel."

360. To what does this clause refer?

To the rules of proceedings in Congress, and the maintenance of order.

361. Who determines the rules of proceedings in Congress?

362. What means has each House of Congress for enforcing its rules?

363. What name is applied to the rules of proceedings of legislative bodies?

Parliamentary Law.

364. What is the usual method employed in adopting rules of proceedings in Congress?

The rules of the previous Congress are usually adopted,

until otherwise ordered, and a committee is appointed to report new rules.

365. What is the advantage of established rules of proceedings in Congress?

They make the transaction of business more easy, and secure method and dispatch.

366. Has the power to punish a member ever been exercised by either House of Congress?

Yes. William Blount was expelled from the Senate in 1797, and Jesse D. Bright in 1862.

367. Are the misdemeanors for which persons can be expelled from Congress defined?

No; but they may be expelled for any offence which is inconsistent with the trust and duty of a member.

368. Does the Constitution confer any express power to punish contempts on the part of persons not members of either House of Congress?

The Supreme Court has decided that they may.

369. How far may punishment for Congressional contempts extend?

Only to imprisonment until the dissolution of the House by which the punishment is inflicted.

370. Can either House of Congress at any time temporarily set aside all its rules of proceedings?

Clause III. *"Each House shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal."* [19.]

371. Define the words "journal," "proceedings," "publish," "secrecy," "desire," and "entered."

372. What record is each House of Congress required to keep?

373. How much of its journal is each House of Congress required to publish?

374. When are the yeas and nays of either House required to be entered on the journal?

375. Are the sessions of Congress public?

Both Houses have open sessions; but when in executive sessions, acting upon nominations made by the President, or discussing treaties, the Senate sits with closed doors.

376. How long has it been the rule to have public sessions of Congress?

Since the second session of the Third Congress.

377. What is the object of requiring Congress to keep a journal?

To ensure publicity to all the Acts of Congress.

378. How many methods are there of voting in Congress?

Three; by simply answering *Aye* or *No* at the call of names; by dividing the House into two parts, and counting the members on either side, or by taking the yeas and nays.

379. What is meant by taking the yeas and nays?

Recording on the journal the *names* of those who vote on each side, and not merely the votes.

380. What is the object of taking the yeas and nays?

To secure a definite and enduring record for information and reference, to show who are absent, and to make individuals feel a personal responsibility for their votes on important measures.

381. How may the power of calling for the yeas and nays on a question be abused?

A minority resort to it to waste time and to compel a majority to adjourn from exhaustion, needlessly postponing, if they cannot thus defeat, legislation.

Clause IV. "*Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.*" [20.]

382. To what does this clause refer?

383. How are the two Houses of Congress restricted as to adjournment?

384. For how long may either House of Congress adjourn without the consent of the other?

385. Is it in the power of either House of Congress alone to select the place where its meetings are held?

386. Distinguish between the "Capital" and the "Capitol" of the United States.

387. Who has the power to change the "Capital" of the United States?

388. Why should not either House of Congress alone have the power to adjourn for more than three days?

Because this would give the power to either House to prevent legislation or to bring it to an untimely close.

389. What would be the result of giving to either House of Congress alone the power of adjournment to a place of its own selection?

One House might compel the other to follow it from place to place for the purpose of preventing legislation.

390. Upon what does the duration of the sessions of Congress depend?

Upon the Constitutional limit of two years; on the pleasure of the two Houses combined; and on the pleasure of the President, when the two Houses cannot agree on the time of adjournment.

391. What was the rule respecting adjournment under the Articles of Confederation?

Section VI.—Privileges and Prohibitions upon Members.

Clause I. *"The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and for any speech or debate in either House they shall not be questioned in any other place."* [21.]

392. Define the words "compensation," "services," "ascertained," "treason," "felony," "breach," "privileged," "arrest," "respective," "debate," and "questioned."

393. What provision is made for the compensation of members of Congress?

394. How is the compensation of members of Congress paid?

395. How far do members of Congress enjoy the privilege of freedom from arrest?

396. What exception is made to the privilege of Congressional freedom from arrest?

397. What privileges of speech and debate do members of Congress enjoy?

398. How were members of Congress paid under the Articles of Confederation?

Each State paid its own members.

399. What is the advantage of paying members of Congress out of the Treasury of the United States?

It gives stability and independence to the General Government.

400. Why should members of Congress receive a compensation?

Otherwise the expenses of the office might prevent men of talent and worth from seeking it, and so give an undue advantage to men of wealth.

401. Are members of the English Parliament paid?

Members of the English Parliament are not paid for their services.

402. By what law is the compensation of members of Congress ascertained?

Congress itself is authorized by the Constitution to determine the amount and make appropriations for its payment.

403. What is the compensation paid to members of Congress at the present time?

404. Has it always been the same?

405. What provision has Congress made for the time of the payment of salaries of its own members?

Each Senator, Representative, and Delegate, after having taken the required oath, is entitled to receive his pay at the end of each month.

406. What compensation is paid to the presiding officers of the two Houses of Congress?

407. When does the privilege of freedom from arrest of a member of Congress begin?

As soon as he is elected, and before he takes his seat or is sworn.

408. What is the object of exempting members of Congress from arrest?

To prevent their constituents from being deprived of their right of Representation.

409. What is the object of giving members of Congress the privilege of freedom of Debate?

To secure the greatest freedom in discussing questions of public interest.

410. Would a member of Congress be liable, if he should cause a speech to be published?

411. What means are there of preventing members of Congress from abusing the privilege of freedom of debate?

They are accountable to the House to which they belong.

412. Can a summons be served on a member of Congress while going to or returning from Washington?

Clause II. “*No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person, holding any office under the United States, shall be a member of either House during his continuance in office.*” [22.]

413. Define the words “civil,” “authority,” “created,” and “emoluments.”

414. To what does this clause relate?

To the disabilities of members of Congress.

415. To what offices are members of Congress ineligible during the time for which they were elected?

416. May a member of Congress be appointed to offices already existing, if the emoluments thereof have not been increased during his term of office?

417. What is the object of excluding members of Congress from being appointed to newly created offices, and those whose emoluments have been increased?

That they may not be induced to assist in the creation of offices, or the increase of their emoluments, in order to be appointed to them.

418. Is this object fully attained ?

No ; an office so created or increased in value during the term of a member of Congress may be held by him many years after his membership in Congress has expired.

419. What must a member of Congress do before he can accept any office under the United States ?

He must first resign his seat in Congress.

420. What must an officer of the United States do before he can become a member of Congress ?

He must resign his office.

421. If a person holding an office under the United States be elected to Congress, how long may he hold that office ?

Until he is ready to take his seat in Congress, when he must resign it.

422. Can members of the Cabinet hold seats in the English Parliament ?

Yes.

423. Does our Constitution allow members of the President's Cabinet to be Senators or Representatives ?

Blackboard Exercise, No. V.

BOTH HOUSES OF CONGRESS.	{	I. ELECTIONS. [15.]
		II. MEETING. [16.]
		III. MEMBERSHIP. [17.]
		IV. QUORUM. [17.]
		V. RULES. [18.]
		VI. PENALTIES. [18.]
		VII. JOURNAL. [19.]
		VIII. YEAS AND NAYS. [19.]
		IX. ADJOURNMENT. [20.]
		X. COMPENSATION. [21.]
		XI. PRIVILEGES. [21.]
		XII. DISABILITIES. {
		1. Senator. [22.]
		2. Representative. [22.]
		3. U. S. Officer. [22.]

Section VII.—Revenue Bills: President's Veto.

Clause I. “*All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.*” [23.]

424. Define the words “bills,” “raising,” “revenue,” “originate,” “propose,” and “concur.”

425. To what does this clause relate?

426. Where must all bills for raising revenue originate?

427. Has the Senate any power over revenue bills?

428. Why is the power of originating bills for raising revenue confined to the House of Representatives?

Because they are the more immediate representatives of the people.

429. How was this clause regarded in the Constitutional Convention?

With positive disfavor by many. Enough States voted against it to defeat the clause, had the States that were divided, and which consequently lost their vote, been added to their number. It was adopted, however, and has worked well so far.

430. Who originates bills in the English Parliament?

The House of Commons.

431. Has the United States Senate ever tried to originate a bill for raising revenue?

During the Forty-first Congress, the Senate passed a bill, to *repeal* the law imposing an income tax; but the House of Representatives, instead of acting upon it in the usual way, simply passed a resolution calling the attention of the Senate to Article I., Section 7, Clause 1, of the Constitution. [23.]

432. Have bills which resulted in the raising of money originated in the Senate and become laws?

The bill to establish the post-office and mint, and bills to regulate the sale of public lands are of this kind.

433. How, then, is raising revenue to be understood?

It is to be understood as being confined to levying taxes.

Clause II. *"Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House, respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law."* [24.]

434. Define the words "bill," "passed," "law," "presented," "approve," "objections," "originated," "journal," "at large," "reconsider," "respectively," "refunded," and "adjournment."

435. To what does this clause refer?

To the mode of passing laws.

436. After a bill has passed both Houses of Congress, what must be done with it?

437. What is done by the President in case he approves of a bill?

438. What action does the President take if he do not approve of a bill?

439. To which House are bills disapproved by the President returned?

440. What is the President's power of objecting to a bill called?

The veto power.

441. What does the word *veto* mean?

I forbid. The word and the custom were both derived from the Romans, where the Tribunes of the people had the power of forbidding the passage of any law.

442. What is done by the House to which the President has returned a bill with his objections?

443. If, on reconsideration, in the House in which it originated, a bill receives a vote of less than two-thirds, what becomes of it?

It is lost.

444. If a bill be repassed by two-thirds of the House in which it originated, what is done with it next?

445. What shall the other House do?

446. If they fail to pass it by a two-thirds vote, what becomes of it?

It is lost.

447. If they, on reconsideration, pass it by a vote of two-thirds, what becomes of it?

448. How are the votes of the two Houses on a bill which has been vetoed taken?

449. In what other way may a bill become a law without the signature of the President?

450. What exception is made to this provision?

451. According to this clause, how many distinct processes are there of passing laws?

Three: first, by passing both Houses of Congress, and receiving the approval of the President; second, by a two-thirds vote of both Houses over the veto of the President; and third, by the neglect of the President to approve or sign, after having passed both Houses of Congress.

452. What is a "bill"?

A draft of a proposed law.

453. How may bills be introduced in Congress?

With the leave of the House by any member; by order of either House; or by the report of a Committee.

454. How many readings must a bill receive in Congress before it is finally acted upon?

Three; and no bill can be read more than once upon the same day, without special permission of the House in which it is to be considered.

455. When may amendments to a bill be proposed in Congress?

They may be proposed and passed at any time by either House.

456. When are the arguments for and against a bill in Congress heard?

Before its third reading, or between that and the taking of the vote.

457. How are bills which pass either House of Congress signed?

By the presiding officer.

458. Can the President amend bills?

No; but he can suggest changes when he returns a bill with his objections.

459. What is the object of vesting the veto power in the hands of the President?

To provide a check upon improper legislation.

460. Why is the President likely to differ with Congress in his views of a bill?

Because of the difference in the nature of his office, the mode of his appointment, and his absence from the halls of legislation.

461. Does any other clause in the Constitution give the President any share in legislation?

462. Does the word veto occur in the Constitution?

463. Does the sovereign of Great Britain possess an absolute veto?

Yes; but it is said not to have been exercised since 1692, in the reign of William III., with, perhaps, a single exception.

464. How was this clause of the Constitution passed?

By the vote of eight States for to two against it; afterwards unanimously.

465. How many times has the veto power been exercised, and by whom?

466. How many bills has the present President vetoed?

467. How many has he retained?

468. Does it require two-thirds of the entire membership of each House to pass a bill over the President's veto?

No; it was decided by the Senate, July 7, 1856, that two-thirds of a quorum only were requisite.

Clause III. *“Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.” [25.]*

469. Define “order,” “resolution,” “vote,” “concurrence,” “adjournment,” “effect,” “rules,” “limitations,” and “prescribed.”

470. To what does this clause refer?

To the mode of passing orders, resolutions, and votes, to which the concurrence of both Houses of Congress is necessary.

471. What formalities are observed in the passage of such orders, resolutions, and votes as are mentioned in the clause?

472. What is the object of the clause?

To extend the President’s veto to other matters besides bills.

473. Why is it important to give the President the veto power over orders, resolutions, and votes?

To prevent Congress from passing a law under some other name.

474. What is the mode of proceeding in such cases?

The same as in the case of a bill.

475. In what case of joint resolution has the President no veto power?
On a question of adjournment.

476. What kinds of Congressional action do not require the approval of the President?

Whatever relates to the internal government of either House, such as elections, votes of censure or thanks, resolutions proposing amendments to the Constitution, etc.

477. What is the effect of a joint resolution approved by the President, or duly passed without his approval?

It has all the effect of law.

Blackboard Exercise, No. VI.

LAW-MAKING.

I. REVENUE BILLS.	{ 1. Origin. [23.]	
	{ 2. Revision. [23.]	
	First.	{ 1. Action in Congress.
		{ 2. Delivery to President.
		{ 3. President's Signature.
II. MODES OF PASSING LAWS.	Second.	{ 1. Action in Congress.
		{ 2. Delivery to President.
		{ 3. President's Veto.
		{ 4. Record of Veto.
		{ 5. Reconsideration.
		{ 6. Approval by Congress.
		{ 7. Method of Voting.
		{ 8. Record of Vote. [24.]
	Third.	{ 1. Action in Congress.
		{ 2. Delivery to President.
		{ 3. President's Neglect.
		{ 4. Result.
III. ORDERS, RESOLUTIONS, AND VOTES.		{ 5. Exception. [24.]
		{ 1. Action in Congress.
		{ 2. Delivery to President.
		{ 3. President's Action.
		{ 4. Subsequent Action. [25.]

Section VIII.—Powers invested in Congress.

Clause I. Congress shall have power:

"To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

478. Define the words "lay," "collect," "debts," "defence," "welfare," and "uniform."

479. To what does this clause refer?

To the power of taxation.

480. What is a tax?

Money levied on the property or inhabitants of a country for the support of the government.

481. What are direct taxes?

Taxes upon individuals.

482. What are indirect taxes?

Taxes upon the consumption of certain articles.

483. What two kinds of direct taxes are there?

Taxes upon persons, called personal, poll, or capitation taxes; and taxes upon property.

484. What three kinds of indirect taxes are there?

Taxes on imports, exports, and manufactures.

485. What are imports?

Taxes on goods imported.

486. What are duties and customs?

Taxes on goods either exported or imported.

487. Are duties levied on articles exported from the United States?

488. What are excises?

Taxes on manufactured goods.

489. How are direct taxes apportioned among the several States?

According to their respective numbers. [5.]

490. How are indirect taxes apportioned?

They must be uniform throughout the States.

491. What is the object of making direct taxes uniform throughout the States?

To prevent Congress from legislating in behalf of local interests.

492. What doubt exists in reference to the proper meaning of this clause?

Whether Congress has power to collect taxes and *also* to pay the debts; or the power to collect taxes *for the purpose* of paying the debts, etc.

493. What is the common interpretation of the meaning of the clause?

That Congress has the power to collect taxes *for the purpose* of paying the debts, etc.

494. What is our present income from all kinds of taxation?

495. What is the amount of our annual expenditure?

496. What is a tariff?

A list of goods on which duties must be paid, with the exact rate of each.

- 497. Who prescribes these rates?
- 498. How are they collected?
- 499. What is a Custom-house?
- 500. What is the difference between *specific* and *ad valorem* duties?
- 501. What is the difference between *protection* and *free trade*?

Clause II. Congress shall have power :

“ *To borrow money on the credit of the United States.*” [27.]

- 502. Define the words “borrow,” “money,” and “credit.”
- 503. To what does this clause relate?
- 504. Ought the borrowing of money to be classed among the resources of the United States?
- 505. What department of our Government has the sole power to borrow money?
- 506. Whose credit is pledged for the payment of money borrowed by Congress?
- 507. Is the power to borrow money necessary to the existence of the National Government?

It is.

508. What would be the result, if no power to borrow money existed?

In times of war, or great public calamities, it would be impossible to provide for the unexpected wants of the nation.

509. Would it be good policy to have money in reserve for such exigencies?

510. Is it considered just to future generations to compel them to share in the payment of debts which they did not help to create?

511. Do all the great powers borrow money?

512. How much did our nation borrow during the war of 1812? The war with Mexico? In the civil war?

513. What mode of borrowing money is usually adopted by the Government?

It issues bonds, which are promises to pay the sums specified, at a given time, with interest at stated rates.

514. What are Treasury Notes?

They are notes representing a portion of our national debt, commonly called legal tenders, which are circulated as money, but upon which the Government pays no interest.

515. Whom does Congress authorize to borrow money?

The Secretary of the Treasury.

516. What does Congress specify in borrowing money?

The amount to be borrowed, the kind of securities to be given, the rate of interest to be paid, and the time and place of payment of principal and interest.

Clause III. Congress shall have power :

"To regulate commerce with foreign nations, and among the several States, and with the Indian tribes." [28.]

517. Define the words "regulate," "commerce," "foreign," "several," and "tribes."

518. To what does this clause relate?

519. Does Congress have entire control of commerce?

520. How was commerce regulated under the Confederation?

It was left to the management of each particular State.

521. What was the result of allowing the States to regulate commerce under the Confederation?

Their foreign commerce was almost ruined, and the conflicting claims of the several States brought them to the brink of a civil war.

522. What is meant by regulating commerce?

Prescribing rules by which commerce is carried on.

523. What two things are included in the general idea of commerce?

Traffic, or the interchange of commodities; and commercial intercourse, or navigation.

524. What are some of the things to which the commercial power of Congress has been applied?

Congress has legislated in reference to embargoes, non-intercourse, non-importation, coasting-trade, fisheries, navigation, seamen, privileges of American and foreign ships, quarantine, pilotage, wrecks, light-houses, buoys, beacons; obstructions in bays, sounds, rivers, and creeks; inroads of the ocean; and doubtless has the power to legislate concerning salvage, policies of insurance, bills of exchange, mari-

time contracts, and the designation of ports of entry and delivery; and all special commercial privileges and preferences.

525. What is meant by commerce with foreign nations?

Commerce with the people of those nations.

526. What is an "embargo"?

527. Are the Indian tribes considered "foreign nations"?

No; they are regarded as a people in a condition of dependence or pupillage, sustaining to the United States the relation of a ward to a guardian.

528. Can States or individuals buy lands from the Indians?

No; Congress has exclusive control of the whole matter.

529. What Indian tribes are meant in this clause?

Tribes living within or without the territorial boundaries of the States, and within or without the limits of the United States.

Clause IV. Congress shall have power:

"To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States." [29.]

530. Define the words "establish," "uniform," "rule," "laws," and "subject."

531. What power has Congress over the subject of naturalization?

532. What power has Congress over the subject of bankruptcies?

533. What is "naturalization"?

A legal process by which the rights of citizenship are conferred upon aliens or foreigners.

534. Who are declared to be citizens in the Fourteenth Amendment? [99.]

535. What is an "alien"?

One born in a foreign country.

536. Are children born in foreign countries, whose parents are citizens of the United States, but temporarily abroad on public business, to be considered aliens?

No; such children are to be considered as native-born.

537. Who had control of the subject of naturalization under the Confederation?

The several States.

538. What would be the result of giving the power of naturalization to the States?

A citizen of one State being entitled to all the rights of citizenship in every other State, each State might, by its naturalization laws, invade the rights and privileges of all the other States.

539. How has naturalization been regulated by Congress in regard to residence?

In 1790, an act was passed requiring two years' residence before an alien could become a citizen; in 1795 it was extended to five years; in 1798 to fourteen years; and in 1802 it was reduced to the present term of five years.

540. What exception is made to the rules of naturalization in favor of soldiers?

Soldiers having served one year in the army of the United States, and being honorably discharged, may become citizens on making oath to these facts and taking the oath of allegiance.

541. What does the prescribed mode of naturalization require?

That the foreigner, after becoming a resident, shall make, before a court of competent jurisdiction, his declaration of intention on oath to become a citizen of the United States; that five years after having become a resident, and two years after declaring his intention, citizens having testified to his five years' residence and good character, he shall take an oath renouncing his previous allegiance, and promising to support the Constitution of the United States.

542. What provision is made for the children of persons duly naturalized who were under twenty-one years of age at the time of such naturalization?

They are considered citizens, if residing in the United States.

543. What provision is made for the naturalization of aliens coming

to this country when minors, but who have resided in the country three years before coming of age?

They can be admitted to citizenship two years after attaining their majority, without the declaration of intention.

544. How may female aliens become citizens?

A woman who might lawfully be naturalized under the existing laws, having been married to a citizen, shall also be deemed a citizen.

545. If an alien who has made declaration of his intention to become a citizen die before he be naturalized, what provision is made for the citizenship of his widow and children?

They shall be considered as citizens upon taking the oath prescribed by law.

546. When was the privilege of naturalization extended to aliens of African nativity?

547. When Texas was admitted into the Union, did its inhabitants have to be naturalized in order to become citizens?

548. When is a man insolvent?

When he is not able to pay his debts.

549. What is a bankrupt?

One who at his own request, or the request of his creditors, is declared by a Register in Bankruptcy to owe more than he can pay.

550. What should bankrupt laws secure to creditors?

The full surrender and equal distribution of the insolvent debtor's possessions.

551. What should bankrupt laws secure to the debtor?

A legal discharge from his creditors, after having surrendered all his possessions.

552. What is the difference between an insolvent law and a bankrupt law?

Under an insolvent law the future property of the debtor may be seized for his debts; after a discharge under a bankrupt law, the creditors have no further claims.

553. Can States pass insolvent laws?

The Supreme Court has decided that they can.

554. Why cannot the States pass bankrupt laws?

Because such laws impair the obligation of contracts, and are unconstitutional.

555. When was the present bankrupt law passed?

March 2, 1867.

556. Is the present bankrupt law satisfactory?

No; efforts are being made to secure the enactment of a new law.

Clause V. Congress shall have power:

"To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures." [30.]

557. Define the words "coin," "regulate," "fix," "standards," "weights," and "measures."

558. What is money?

A medium of exchange and a measure of value.

559. Who has the power to coin money?

560. How is the value of money regulated?

561. What is meant by foreign coin?

562. Why is it important that the value of foreign coin should be regulated by Congress?

563. Why should not the States be allowed to coin money and regulate its value?

Because there would be no uniformity in the standard of value.

564. What advantages are secured by placing the coinage and regulation of the value of money exclusively in the hands of Congress?

The facilitation of exchanges, benefit of commerce, prevention of undue and forced scarcity of money, and uniformity of value.

565. What is a mint?

566. Where is the United States Mint located?

567. Where have branch mints been established?

568. Name the coins of the United States.

569. What is seignorage?

A charge for coining gold.

570. Why is silver coined only for the Government?

Because silver coin is over-valued.

571. Does this clause give Congress full control of the whole subject of money?

Yes; not only gold and silver coin, but all substitutes for them, such as treasury and bank-notes.

572. Has Congress always exercised control over bank notes?

573. Has Congress ever fixed the standard of weights and measures?

A uniform standard has been frequently urged, but has never been adopted.

574. What is the metric system?

575. Has Congress made the use of the metric system legal?

576. Until Congress shall fix a standard of weights and measures, who exercises the right to do so?

The States have the power to fix their own.

Clause VI. Congress shall have power :

"To provide for the punishment of counterfeiting the securities and current coin of the United States." [31.]

577. Define the words "provide," "punishment," "counterfeiting," "current," and "coin."

578. Who provides for the punishment of counterfeiting?

579. What is the object of the provision for the punishment of counterfeiting?

To render more efficient the powers of coinage and borrowing money?

580. What are meant by securities?

All certificates of indebtedness, such as bonds, coupons, treasury notes, etc.

581. What besides securities and current coin does Congress include in its laws for the punishment of counterfeiting?

National currency, United States notes, fractional notes, checks for money of authorized officers of the United States, certificates of deposit, letters-patent, revenue and postage stamps, stamped envelopes, custom-house certificates, and all other representations of value which have been or may be issued under any act of Congress.

582. Can States punish the *passing* of counterfeits of United States coins and securities?*

Clause VII. Congress shall have power :

“ *To establish post-offices and post-roads.*” [32.]

583. To what does this clause refer?

584. When was our Post-office Department established?
Before the Declaration of Independence.

585. Who was placed at the head of it?

Benjamin Franklin.

586. Under whose charge is the Post-office Department at the present time?

* Congress has passed laws punishing the making, forging, or counterfeiting, and the passing, uttering, or publishing, of the coin of the country, the notes of the United States bank, the Treasury notes, the fractional currency, the notes of the National banks, the excise stamps used for internal revenue, letters-patent, postage stamps, stamped envelopes, and custom-house certificates.

The law now in force relating to counterfeiting the coin of the United States was passed in February, 1873. It provides that if any person, except as now authorized by law, shall make, or cause to be made, or shall utter or pass, or attempt to utter or pass, any coins of gold or silver, whether in the semblance of the coins of the United States or of foreign countries, every person so offending shall be punished by fine not exceeding five thousand dollars, and by imprisonment for a term not exceeding ten years. The penalty for counterfeiting the “minor coins” is a fine not exceeding one thousand dollars, and imprisonment not exceeding three years.

The law of June 30, 1864, provides that if any person shall falsely make, counterfeit, or alter, or shall pass, utter, or publish any obligation or security of the United States, etc., he shall, on conviction, be punished by fine not exceeding five thousand dollars, and by imprisonment and confinement at hard labor not exceeding fifteen years. The act also provides that the words “obligation or other security of the United States” shall be held to include “all bonds, coupons, national currency, United States notes, Treasury notes, fractional notes, checks for money of authorized officers of the United States, certificates of indebtedness, certificates of deposit, stamps, and other representatives of value, of whatever denomination, which have been or may be issued under any act of Congress.”

Under a Postmaster-General and three Assistant Postmasters-General.

587. How are Postmasters appointed?

Those whose salaries are less than one thousand dollars are appointed by the Postmaster-General; others are nominated by the President and confirmed by the Senate.

588. Does the Post-office Department of the United States pay expenses?

589. Into what three classes is mailable matter divided?

Letters, printed matter, and miscellaneous articles.

590. What are the present rates of postage in the United States?

591. When were postage stamps introduced?

592. When were stamped envelopes first furnished?

593. When was the system of registering letters established?

594. When was the postal money-order system introduced?

595. Explain the postal money-order system.

596. When was free delivery of letters by carriers first provided for?

597. What is the Dead-letter Office?

An office in Washington to which unclaimed letters, after being advertised, are sent. Here they are opened, and if possible returned to the writers.

598. What is meant by the franking privilege?

The privilege of sending and receiving mail matter free.

599. By whom was it formerly enjoyed?

By the President, Vice-President, Cabinet Officers, Members of Congress, Delegates from the Territories, and some others.

600. What are post-roads?

Roads or routes over which the mail is carried.

601. How has the power to establish post-roads been interpreted?

To include the power of making internal improvements.

602. Has Congress found it necessary to exercise its power to establish post-roads?

Only in a few cases. Roads already opened have generally been selected.

603. What are some of the advantages which result from the exercise of postal powers?

Individuals and the Government are enabled to transmit intelligence, to make remittances of money, and to transact various branches of business with a degree of promptitude, regularity, and economy that could not be secured in any other way.

604. What are postal powers of Congress supposed to include?

All other powers necessary to render them effective.

605. Why is the power to establish post-offices and post-roads one of the most important of all the powers granted to Congress?

Because by it there has been instituted an establishment employing more men, controlling more patronage, and collecting and disbursing more money than sufficed, within a few years past, for the administration of the entire Government.

606. Why do we affix stamps to our letters?

607. Are postage stamps certificates of deposit?

Clause VIII. Congress shall have power:

"To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." [33.]

608. Define the words "promote," "progress," "science," "arts," "securing," "limited," "authors," "inventors," "exclusive," "right," "respective," "writings," and "discoveries."

609. To what does this clause refer?

The power of Congress over copyrights and patent-rights.

610. What is the object of the clause?

To secure the rights of authors and inventors.

611. What is a copyright?

The exclusive right to publish a book, map, chart, musical composition, engraving, photograph (or negative), painting, drawing, model, chromo, or statue for a fixed period of time.

612. How long does a copyright extend?

613. May a copyright be renewed?

The author may, if living, obtain an extension for fourteen years; or, if dead, his heirs may do the same.

614. How is a copyright secured?

615. What notice must the owner of a copyright give?

616. What is the expense of securing a copyright?

617. Must different or new editions of a book be separately copyrighted?

Yes; and a copy of each subsequent edition in which there are any material changes, must be sent to the Librarian of Congress.

618. What is a patent-right?

The sole right to make, use, or sell a new invention.

619. How long do patent-rights extend?

620. How are letters-patent secured?

The applicant must give a complete description of his invention, and, in cases admitting of drawings and models, these must be sent to the Commissioner of Patents.

621. How soon must the application for letters-patent be made?

Not later than two years after the use or sale of the invention or discovery.

622. What must the applicant for letters-patent swear?

That he believes himself to be the inventor of what he seeks to have patented.

623. What do letters-patent cost?

624. For how long are patents granted for *designs*?

For three years and a half, for seven years, or for fourteen years.

625. What are the fees for designs?

626. For how long may *trade-marks* be patented?

For thirty years.

627. What is the fee for a trade-mark?

Twenty-five dollars.

628. How may an inventor secure time to mature his discovery or invention?

He may file a *caveat* (caution), setting forth its character, and praying for protection of his right until he can mature his invention.

629. Are copyrights and patent-rights assignable in law?

Yes; but a record of the assignment must be made in the

one case in the office of the Librarian of Congress, and in the other in the Patent-Office.

630. How are patented articles required to be marked?

With the word "patented," together with the date.

631. Mention five of the most valuable patented inventions.

632. What effect does the expiration of a patent have upon the price of an invention?

633. Must books be copyrighted?

634. Mention a book not copyrighted.

Clause IX. Congress shall have power:

"To constitute tribunals inferior to the Supreme Court." [34.]

635. Define the words "constitute," "tribunals," "inferior," "Supreme," and "Court."

636. Who establishes tribunals inferior to the Supreme Court?

637. How is the Supreme Court established?

By the Constitution itself.

638. What are the inferior Courts established by Congress called?
District Courts and Circuit Courts.

639. How many of these Courts have been established by Congress?
Fifty-eight District Courts and nine Circuit Courts.

640. When was the Court of Claims established?

641. Why was the Court of Claims established?

To exercise jurisdiction over claims against the Government, founded upon a law of Congress, any regulation of the executive department, or any contract, express or implied, with the Government of the United States.

642. How were claims against the United States formerly examined?

By Congress, thus devolving a great deal of labor upon that body.

643. Of what does the Court of Claims consist?

Of five judges, one of whom is Chief Justice, holding their office during good behavior.

644. What provision does Congress make for Courts in the Territories?

Supreme and District Courts are established by Congress

in the Territories ; but they are not considered as an integral part of the Judiciary of the United States.

645. By what authority does Congress organize Courts in the Territories ?

By virtue of the general sovereignty which exists in the General Government over the territories.

646. For how long are the Judges appointed in the Territorial Courts ?

For four years, unless sooner removed.

647. Of what does the Supreme Court in the District of Columbia consist ?

Clause X. Congress shall have power :

“ To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.” [35.]

648. What is the meaning of the words “define,” “punish,” “committed,” and “offences” ?

649. What is piracy ?

A forcible robbery or depredation upon the high seas.

650. Can piracy be committed on an island of the sea

651. What is felony ?

Every species of crime which occasions the forfeiture of lands and goods, and for which the punishment of death may be inflicted.

652. What crimes may felony include ?

Murder, larceny, arson, burglary, etc.

653. What is meant by the “high seas” ?

The ocean, including the waters along the coast beyond low-water mark, whether within the territorial boundaries of a nation or of a domestic State.

654. What is meant by “the law of nations” ?

Any law which regulates the intercourse of nations with each other.

655. What is the punishment for piracy or felony ?

Death.

656. Why is Congress charged with the punishment of offences against the law of nations?

Because the United States are responsible to foreign nations for the conduct of American citizens at sea.

657. When was the foreign slave-trade made piracy, and punishable by death?

658. Can Congress enlarge or contract the definition of piracy?

659. Is their definition restricted to American citizens?

Yes.

Clause XI. Congress shall have power :

“ To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.” [36.]

660. Define the words “ declare,” “ war,” “ rules,” and “ captures.”

661. What is a declaration of war?

A formal notice to the citizens of the nations involved that hostilities actually exist, or are about to begin.

662. To whom does the power to declare war belong in monarchical governments?

To the Sovereign.

663. Where is the sovereign power lodged in the United States?

In the will of the people.

664. Do the people of the United States declare war?

Not directly; but through their representatives in Congress.

665. Why should the power to declare war be given to Congress?

Because the people, whom they represent, ought to have as direct a voice as possible in deciding whether or not to declare war.

666. Have the United States ever formally declared war?

They have only recognized hostilities as actually existing and legislated accordingly.

667. How is peace made between nations which have formally declared war?

Only through the negotiations of ambassadors or ministers representing the contending powers.

668. Ought the States to be allowed to declare war?

669. What is the meaning of the word "marque"?

A landmark or boundary.

670. What does the word "reprisal" mean?

It means a taking in return.

671. What are "Letters of Marque and Reprisal"?

Commissions from the Government authorizing the bearer to pass the boundaries of his own country for the purpose of capturing the persons or property of another nation from which injury has been received.

672. What is a privateer?

A vessel bearing Letters of Marque and Reprisal.

673. When are Letters of Marque and Reprisal granted?

Usually in time of war.

674. Why are Letters of Marque and Reprisal sometimes granted in time of peace?

Sometimes an individual, for whom no satisfaction can be obtained from a foreign nation, is allowed by his own Government to capture the property of subjects of other nations to the extent of his injury.

675. Do Letters of Marque and Reprisal prevent or occasion war?

676. What is the property captured by a privateer called?

A prize.

677. What is usually done with prizes captured by privateers?

The general practice is to distribute the proceeds of the property among the captors as a reward of bravery, and a stimulus to exertion.

678. What formality is necessary before a prize captured by a privateer is sold?

Proof must be made in a court of the United States that the property was taken from an enemy.

679. What protection is afforded to bearers of Letters of Marque and Reprisal?

The commission saves the bearer and his crew from the liability, if captured, of being tried, convicted, and punished as pirates.

680. How are the crews of authorized privateers treated ?

As prisoners of war.

681. To whom is the power to make rules concerning captures on land and water granted ?

682. Give instances of prizes captured by privateers.

683. What do you know about the "Alabama Case" and the "Geneva Award" ?

Clause XII. Congress shall have power :

"To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years." [37.]

684. Define the words "raise," "support," "appropriation," "money," and "term."

685. Who has the power to raise and support armies ?

686. How is Congress limited in its appropriations of money for raising and supporting armies ?

687. With what other power should the power to raise and support armies always be connected ?

The power to declare war.

688. Who declared war and who raised and supported armies under the Articles of Confederation ?

Congress declared war ; but only the States could raise troops.

689. Why is Congress not allowed to make army appropriations for more than two years ?

To prevent the maintenance of a standing army in time of peace, without the consent of the people.

690. How often are appropriations for the army actually made ?

Every year.

691. What is all the legislation necessary at any time to disband the army of the United States ?

Simply for Representatives of the people in Congress to omit to provide for its support in the annual appropriation bills.

692. How is the regular army of the United States created ?

By enlistments for five years under the acts of Congress.

693. How large is the army of the United States at the present time ?

694. What is a "conscription" or "draft"?

Choosing by lot from among the citizens men who are compelled to serve in the army, or to furnish substitutes.

695. Give the titles of our Army Officers in the order of their rank.

General, Lieutenant-General, Major-General, Brigadier-General, Colonel, Lieutenant-Colonel, Major, Captain, First Lieutenant, and Second Lieutenant.

696. How does our standing army compare with those of the Great Powers of Europe?

697. What other powers are implied in the power to declare war and raise and support armies?

The establishment of armories and arsenals for making and storing arms; the designation of depots for distributing supplies; means of transportation; surveys of territory for the construction of army maps; the maintenance of a military academy for the education of army officers; and the care of the national cemeteries.

Clause XIII. Congress shall have power:

"To provide and maintain a navy." [38.]

698. Define the words "provide" and "maintain."

699. Of what does a navy consist?

A navy consists of the entire number of ships of war belonging to a nation or people considered collectively.

700. Why is a navy necessary?

For the protection of fisheries, commerce, and navigation.

701. Under whose charge is the navy of the United States?

Under the charge of the Secretary of the Navy.

702. Who is the present Secretary of the Navy?

703. What is the present condition of the United States Navy?

704. How many persons are authorized to be enlisted in the navy of the United States?

705. Of what does the Marine Corps of the United States consist?

Those who are trained to serve on land as well as on vessels of war.

706. Name the titles of the officers of the navy in the order of their rank.

707. How does our navy compare with those of the Great Powers of Europe?

708. What other powers are implied in the power to provide and maintain a navy?

The maintenance of navy-yards for the construction and repair of vessels; ocean surveys for the construction of naval charts; and the support of an Academy for the education of naval officers.

Clause XIV. Congress shall have power :

"To make rules for the government and regulation of the land and naval forces." [39.]

709. Define the words "rule," "government," "regulation," and "forces."

710. With what other powers is the power to make rules for the government and regulation of the land and naval forces connected?

With the power to declare war and to raise and support armies.

711. How are the rules for the government of the land and naval forces published?

Each officer must subscribe to them; they are read to every recruit at the time of his enlistment; and they are published every six months to every garrison, regiment, troop, and company.

712. When was flogging abolished in the navy?

713. When was flogging abolished in the army?

714. By whom are Military Courts established?

By Congress.

715. What is a Military Court called?

A Court-Martial.

716. Do civil and military courts get their authority from the same source?

717. Is there any liability to conflict of jurisdiction between civil and military courts? [69.]

718. What does the making of rules for the government and regulation of the land and naval forces include?

The manner of organizing and disciplining them; the number, rank, and pay of the officers; and whatever is

necessary for controlling them while in the service of the country.

Clause XV. Congress shall power :

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." [40.]

719. Define the words "provide," "calling," "execute," "laws," "Union," "suppress," "insurrections," "repel," and "invasions."

720. How are the militia distinguished from the regular army of the United States ?

The militia are the citizen soldiers of the country, liable to be called out only in cases of emergency.

721. How has Congress by an enactment described the militia ?

In 1863, Congress declared that all citizens, and those who have declared their intention to become such, between the ages of twenty and forty-five, shall constitute the national forces, and shall be liable to perform military duty when called out by the President for that purpose.

722. Who provides for calling forth the militia of the United States ?

723. What is inferred from the use of the word "provide" ?

That Congress may instruct the President to judge of the necessity for calling out the militia during the recess of Congress.

724. Has any law been passed by Congress authorizing the President to call forth the militia ?

Such a law was passed in 1792, and as amended in 1795 is still in force.

725. Why is Congress entrusted with the power to call forth the militia ?

To enable them to discharge the duty of maintaining the public peace, and to assist the President in the proper execution of the laws.

726. What would be the alternative, if Congress did not possess the power to call forth the militia ?

It would be necessary to maintain a large standing army.

727. Is Congress limited in the exercise of its power to call forth the militia ?

No restriction is put upon its action, either in regard to the time of service or the place of operation; but the purposes for which the militia may be called forth are named in the Constitution.

728. For what three purposes may Congress provide for calling forth the militia?

729. How many times in the history of our country have the militia been called out by the General Government?

730. For what purposes have the militia been called out?

731. How many calls for militia were made during the civil war?

732. Were the militia called out in the war with Mexico?

733. Distinguish between "militia" and "volunteers."

734. What was the whole number of men mustered into the service of the United States during the Revolution?

735. How many men were called into service in the war of 1812?

736. In the war with Mexico?

737. In the civil war?

Clause XVI. Congress shall have power:

"To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress." [41.]

738. Define the words "disciplining," "militia," "governing," "employed," "service," "reserving," "respectively," "appointment," "authority," "training," and "prescribed."

739. What is meant by organizing the militia?

Determining what number of troops shall be maintained in each branch of military service; prescribing how the troops shall be divided and subdivided; and fixing the number and rank of the officers who are to be placed in charge.

740. What is meant by arming the militia?

Assuming control of the adoption and use of all arms, implements, and equipments that are necessary for effective service in the camp and field and on the march.

741. What is understood by disciplining the militia?

Prescribing the tactics by which they shall be trained in orderly service and obedience, and adopting all the means necessary for their effective application.

742. What is meant by governing the militia?

Providing for the proper execution of all orders, emanating from official sources, which are necessary for the maintenance of order in the army, the movements of troops, and engagement in action.

743. What fraction of the militia is governed by Congress?

744. How are the militia not in the service of the United States governed?

They are under the control of the State governments.

745. What militia powers are reserved to the States respectively?

746. How are the militia trained?

747. By whom are the militia trained?

748. Why is it left to the State governments to train the militia and appoint officers?

Because the militia are intended mainly for the maintenance of the State governments, to be called out by the General Government only in special emergencies.

749. Why should the mode of organizing, arming, and disciplining all the militia be prescribed by Congress?

To secure uniformity in these respects as well as efficiency in case of actual service.

750. What would be the result of the adoption of different military tactics in the various States?

Clause XVII. Congress shall have power :

“ To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places, purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.” [42.]

751. Define the words “exercise,” “exclusive,” “legislation,” “dis-

trict," "cession," "States," "acceptance," "seat," "authority," "purchased," "consent," "erection," "magazines," "arsenals," and "docks-yards."

752. To what does this clause principally relate?

To the seat of the National Government.

753. What limit is prescribed by the Constitution as to the extent of country to be occupied as the Seat of Government?

754. What limitation is fixed by the Constitution in regard to the location of the Seat of Government?

755. What is the difference between "ten miles square" and "ten square miles"?

756. What authority has Congress over places occupied by forts, magazines, arsenals, etc.?

757. How are sites for public works purchased?

758. When was the District of Columbia accepted by Congress?

759. By which States was the District of Columbia ceded to the United States?

760. When was the Virginia portion of the District of Columbia retroceded to that State?

761. Why should Congress exercise exclusive legislation over the Seat of Government?

Without it the officers of Government might be interrupted in their duties, the public archives and other property be injured, and Congress itself be insulted.

762. When was a Territorial Government established for the District of Columbia?

763. How is the District of Columbia now governed?

By three Commissioners appointed by the President.

764. Name the different places which were the Seat of Government of the United States prior to the year 1800.

Philadelphia, Sept. 5, 1774; Philadelphia, May 10, 1775; Baltimore, Dec. 20, 1776; Philadelphia, March 4, 1777; Lancaster, Penn., Sept. 27, 1777; York, Penn., Sept. 30, 1777; Philadelphia, July 2, 1778; Princeton, June 30, 1783; Annapolis, Md., Nov. 26, 1783; Trenton, N. J., Nov. 1, 1784; New York, Jan. 11, 1785; Philadelphia, Dec., 1790.

765. What two steps are necessary to procure sites for public works?

The consent of Congress, and the consent of the Legislature of the State in which the proposed site is located.

766. Can State authority be exercised for the purpose of serving civil or criminal writs in places owned by the United States Government?

Not unless the State from which such places were purchased, reserved the right when the purchase was made.

767. By whom are crimes committed in places owned by the National Government tried?

By the United States Courts.

768. Why do the States usually reserve the right to serve all State processes in places which have been sold to the General Government?

To prevent these places from becoming retreats and asylums of fugitives from justice.

769. Has the Seat of Government ever been in your State?

770. Name any public works in your State.

771. Is the District of Columbia the most convenient place for the Seat of Government?

Clause XVIII. Congress shall have power:

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." [43.]

772. Define the words "laws," "execution," "foregoing," "powers," "vested," "Constitution," "department," and "officer."

773. To what does this clause relate?

To the general law-making power of Congress.

774. How is this clause to be considered?

Merely as stating in words what is actually taken for granted in the other provisions of the Constitution.

775. Why was it thought necessary to insert a clause in the Constitution giving to Congress a general law-making power?

To prevent the repetition of a failure in the exercise of National powers such as occurred under the Confederation, which contained a clause to the contrary effect.

776. Would Congress have had the power to make general laws, if there had been no clause to that effect in the Constitution?

777. Give examples of the exercise of the general law-making power by Congress.

Blackboard Exercise, No. VII.

LEGISLATIVE POWERS OF CONGRESS.

- | | | | | |
|--|---------------------------|-------------------------|---------------------------------------|----------------------------|
| | | | 1. Tax. [26.] | |
| | I. FINANCIAL. | { | 2. Paying Debts. [26.] | |
| | | | 3. Borrowing. [27.] | |
| | II. COMMERCIAL. | | 1. Foreign. | |
| | | { | 2. Inter-State. | |
| | | | 3. Indian Tribes. [28.] | |
| | III. NATURALIZATION. | | [29.] | |
| | IV. BANKRUPTCY. | | [29.] | |
| | V. COINAGE. | { | 1. Value. [30.] | |
| | | | 2. Counterfeiting. [31.] | |
| | VI. WEIGHTS AND MEASURES. | | | |
| | VII. POSTAL. | { | 1. Post-Offices. | |
| | | | 2. Post-Roads. [32.] | |
| | VIII. MONOPOLIES. | { | 1. Copyrights. | |
| | | | 2. Patent-rights. [33.] | |
| | IX. JUDICIAL. | | [34.] | |
| | X. DEFINING AND | { | 1. Piracies. | |
| | PUNISHING. | | 2. Felonies. | |
| | | | 3. International Offences. [35.] | |
| | | { | 1. Declaration. [36.] | |
| | | | 2. <i>Marque and Reprisal</i> . [36.] | |
| | | | 3. Captures. { | |
| | | | a. Land. | |
| | | | b. Water. [36.] | |
| | | | 4. Armies. { | |
| | | | a. Raising. | |
| | | | b. Supporting. | |
| | | | c. Appropriations. [37.] | |
| | XI. WAR. | | 5. Navy. { | |
| | | | a. Providing. | |
| | | | b. Maintaining. [38.] | |
| | | | 6. Rules. { | |
| | | a. Military. | | |
| | | b. Naval. [39.] | | |
| | | 7. Militia. { | | |
| | | a. Calling forth. [40.] | | |
| | | b. Organizing. | | |
| | | c. Arming. | | |
| | | d. Disciplining. | | |
| | | e. Governing. [41.] | | |
| | | { | 1. <i>Seat of Government</i> . | |
| | XII. TERRITORIAL | | { | a. Forts. |
| | LEGISLATION. | | | 2. <i>Public Works</i> . { |
| | | | | b. Magazines. |
| | | c. Arsenal. | | |
| | | | d. Dockyards, &c. [42.] | |
| | XIII. EXECUTIVE. | | [43.] | |

Section IX.—Prohibitions upon the United States.

Clause I. *"The migration or importation of such persons, as any of the States, now existing, shall think proper to admit, shall not be prohibited by the Congress, prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."* [44.]

778. Define the words "migration," "importation," "prohibited," "tax," "duty," "imposed," and "exceeding."

779. To what does this clause relate?

To the abolition of the foreign Slave-Trade.

780. Who are meant by the "persons" mentioned in this clause?

781. Were any attempts made before the Revolution to prevent the importation of slaves into this country?

Several of the Colonies passed such laws, but they were negatived by the British Government.

782. What was the earliest period fixed in the Constitution for putting an end to the importation of slaves?

783. When was the importation of slaves actually prohibited?

January 1, 1808, by a law passed March 2, 1807.

784. What tax did Congress impose upon the importation of slaves before the Slave-Trade was prohibited?

785. Was a tax actually imposed by Congress upon imported slaves?

No tax was ever imposed by Congress upon imported slaves.

786. What nation was the first to abolish the Slave-Trade?

The United States.

787. When did Great Britain abolish the Slave-Trade?

March 25, 1807.

788. When was the Slave-Trade to foreign countries prohibited by the United States?

789. When was the Slave-Trade declared to be piracy?

790. Has this clause anything to do with the Slave-Trade between the several States?

No; these matters were regulated by the States themselves until the final abolition of slavery.

Clause II. “*The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it.*” [45.]

791. Define the words “privilege,” “suspended,” “rebellion,” and “invasion.”

792. What is a writ?

A legal instrument or writing, issued by a competent authority, commanding the person, to whom it is directed, to do or not to do certain specified things.

793. What is the meaning of the words *habeas corpus*?

“You may have the body.”

794. What is the effect of a writ of *habeas corpus*?

It prevents illegal imprisonment by commanding the person who holds another under confinement to produce the person in open court, in order that the judge may inquire into the cause of his imprisonment.

795. Upon whose application is a writ of *habeas corpus* granted?

Upon the application of the person who is restrained of his liberty, or on the application of another person in his behalf.

796. How can parents get control of their children when held in the custody of others?

797. How can sane persons, confined under the pretence of insanity, be liberated?

798. How must an application for a writ of *habeas corpus* be accompanied?

With an affidavit that the confinement is contrary to law, and setting forth the facts in the case.

799. When may Congress suspend the privilege of writ of *habeas corpus*?

800. Can the President suspend the privilege of writ of *habeas corpus*?

By act of Congress passed in 1863, the President was authorized to suspend the privilege whenever in his judgment the public safety should require it.

801. When was the writ of *habeas corpus* first suspended by Congress and the President?

During the Rebellion.

802. Why is it necessary to suspend the privilege of writ of *habeas corpus* in cases of rebellion or invasion?

Clause III. "*No bill of attainder, or ex post facto law, shall be passed.*" [46.]

803. What is a Bill of Attainder?

A Bill passed by the Legislature, convicting a person of crimes, and punishing him therefor, without a regular trial.

804. What is the objection to a Bill of Attainder?

It deprives the citizen of his inalienable right of trial by jury.

805. Is Congress allowed to pass a Bill of Attainder?

806. What are *ex post facto* laws?

Laws which make acts criminal which were not criminal when committed.

807. What is the operation of an *ex post facto* law?

When an act has been done against which there was no law, a law may be afterwards passed, declaring the act to have been a crime, and punishing it accordingly.

808. Is Congress allowed to pass an *ex post facto* law?

809. Give an example of an *ex post facto* law.

810. Would a law abolishing imprisonment for death be an *ex post facto* law?

811. Would a law rectifying an error be an *ex post facto* law?

Clause IV. "*No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration, herein before directed to be taken.*" [47.]

812. Define the words "laid," "proportion," "census," and "enumeration."

813. What is a capitation tax?

A tax levied not according to property, but by the head.

814. How only can Congress levy a capitation or other direct tax?

815. What is the object of this clause?

To prevent Congress from laying the burdens of government unequally upon different portions of the nation.

816. Has any capitation tax ever been levied by the United States?

No; and in some of the States it is forbidden by their Constitutions.

817. How was the direct tax of 1798 assessed?

Upon dwelling-houses, lands, and slaves—upon each slave fifty cents.

818. Was this tax upon slaves a capitation tax?

Clause V. “*No tax or duty shall be laid on articles exported from any State. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.*” [48.]

819. Define the words “tax,” “duty,” “laid,” “articles,” “exported,” “State,” “preference,” “regulation,” “commerce,” “revenue,” “ports,” “vessels,” “bound,” and “obliged.”

820. Why is Congress prohibited from levying export duties?

To prevent taxing the interests of any State to its detriment, and giving undue advantages to others.

821. How might Congress damage the interests of particular States by levying export duties?

By levying a tax upon the export of its staple productions.

822. Does the prohibition upon export duties include all articles?

823. Can Congress grant any preference to the ports of one State over those of another?

824. What is meant by the words “to enter” a port?

To report the ship with the cargo to the proper officer, and obtain permission to land the cargo.

825. What is meant by the words “to clear a port”?

To obtain from the proper authorities the necessary papers for sailing from the port.

826. How were American ships compelled to trade with the European nations before the Revolution?

All vessels belonging to the Colonies of Great Britain were required to enter and clear from a British port, in order to throw all the commerce of the Colonies into the hands of the British.

827. What is the object of prohibiting Congress from requiring

vessels bound to or from one State to enter, clear, or pay duties in another?

To prevent Congress from putting the commerce of the country under the control of any particular section.

828. What is the difference between coasting trade and foreign trade?

Clause VI. *"No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public moneys shall be published from time to time."* [49.]

829. Define the words "money," "drawn," "treasury," "consequence," "appropriations," "law," "statement," "account," "receipts," "expenditures," "public," and "published."

830. In what way, only, can money be drawn from the treasury of the United States?

831. To whom does the Constitution give the power of appropriating money?

832. What is the object of making Congress the guardian of the treasury of the United States?

To secure an honest expenditure of the public funds.

833. What is necessary before any Government official can draw money from the United States Treasury?

834. Can members of Congress draw their salaries without making appropriations?

835. How often are appropriations voted by Congress?

Annually.

836. When does the fiscal year of our Government end?

June 30.

837. Why is a regular account and statement of the receipts and expenditures of the public money required to be published by the Government?

Because such accounts serve as a check on the possible extravagance of Congress and the Executive.

838. Who reports the account of the receipts and expenditures to Congress annually?

The Secretary of the Treasury.

Clause VII. *"No title of nobility shall be granted by the United States: And no person, holding any office of profit or*

trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State." [50.]

839. Define the words "title," "nobility," "office," "profit," "trust," "consent," "present," "emolument," and "prince."

840. Why is the United States Government not allowed to grant titles of nobility?

Because the theory of our institutions is that all citizens are equal before the law.

841. Why are United States officers forbidden to accept any foreign patronage without the consent of Congress?

To prevent any officer of the Government from being influenced by a gift of any kind from any foreign prince or State.

842. What is done with presents sent to officers of the United States Government by a foreign power?

They become the property of the Government, or of those whom Congress has authorized to receive them.

843. Are private citizens and officers of the State governments prohibited from receiving foreign patronage?

844. Do you know any private citizen who has received a title from any king, prince, or foreign State?

845. Has any Amendment ever been proposed extending the prohibition of foreign patronage to private citizens?

Yes; by the Eleventh Congress, at their second session.

846. Was this Amendment ratified?

Blackboard Exercise, No. VIII.

PROHIBITIONS UPON THE
UNITED STATES.

- | | |
|--|--|
| I. ABOLITION OF SLAVE-TRADE. | { 1. Limit.
2. Tax. [44.] |
| II. SUSPENSION OF HABEAS CORPUS. | { 1. Rebellion.
2. Invasion. [45.] |
| III. INFLICTION OF PENALTIES. | { 1. Bill of Attainder.
2. Ex post facto law. [46.] |
| IV. LAYING DIRECT TAXES. | [47.] |
| V. LAYING EXPORT DUTIES. | [48.] |
| VI. PREFERENCES IN INTER-STATE COMMERCE. | [48.] |
| VII. PUBLIC TREASURY. | { 1. Appropriations.
2. Statement. [49.] |
| VIII. GRANTING TITLES. | [50.] |

Section X.—Prohibitions upon the States.

Clause I. “*No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts, pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.*” [51.]

847. Define the words “treaty,” “alliance,” “confederation,” “letters of marque and reprisal,” “tender,” “debts,” “bill of attainder,” “*ex post facto law*,” “impairing,” “obligation,” “contracts,” “title,” and “nobility.”

848. Why should no State be allowed to enter into any treaty, alliance, or confederation?

Because such a privilege would conflict with the powers granted to the General Government.

849. Why should not the States be allowed to grant letters of marque and reprisal?

Because this would place it in the power of any one State to involve all the others in war.

850. Why should not States be allowed to coin money?

Such a provision would only multiply expensive mints, and introduce troublesome differences in the form and weights of the circulating coins.

851. What is meant by “bills of credit”?

Paper money, or promises to pay, issued in such a way as to be used as a circulating medium.

852. Is a State prohibited from borrowing money by giving bonds?

853. Can a State make its bonds receivable for taxes, debts, and the salaries of public officers?

The Supreme Court has decided that such bonds are bills of credit, and therefore unconstitutional.

854. Were the paper notes issued by the Continental Congress bills of credit?

855. What is a legal tender?

Such an offer of payment as the creditor is obliged to accept, or forfeit his claim to interest.

856. Can Congress emit "bills of credit"?

857. Can Congress make anything but gold and silver a legal tender?

858. What are "greenbacks"?

859. Have bills of attainder, or *ex post facto* laws, ever been passed in this country?

During the Revolution, the States confiscated the property of those who espoused the cause of the mother country.

860. What is a contract?

An agreement between two or more parties competent to contract, based on a sufficient consideration, each promising to do or not to do some particular thing possible to be done, and not prohibited by law.

861. Can any State pass laws impairing the obligation of contracts?

862. Can a Legislature change the method of *enforcing* a contract?

863. Have any instances occurred in our history of laws impairing the obligations of contracts?

The laws making the depreciated Continental money a legal tender, and various laws of the same kind passed by the States during the Revolution, were of this kind.

864. Can the States be prohibited from passing bankrupt laws?

865. Can States make insolvent laws, discharging contracts in certain cases?

The Supreme Court has decided that the States may pass laws in reference to *future* contracts, but not to those which are *past*.

866. Can grants made by a State Legislature be changed?

A grant made by a State Legislature is irrevocable.

867. Give examples.

The charter of a bank or of a college.

Clause II. "*No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imports, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the*

revision and control of the Congress. No State shall, without the consent of Congress, lay any duty on tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger, as will not admit of delay." [52.]

868. Define the words "State," "consent," "imposts," "duties," "imports," "exports," "absolutely," "executing," "inspection laws," "net," "produce," "treasury," "revision," "control," "tonnage," "compact," and "imminent."

869. To what extent are the States allowed to levy duties on imports and exports?

870. Whose consent must the States have to levy duties on goods?

871. What is done with the net produce of all duties and imposts laid by States?

872. What are inspection laws?

Laws requiring a careful examination of goods before they can become articles of commerce.

873. What is the object of inspection laws?

To secure a certain standard of excellence in commodities offered for sale, so that purchasers may not be imposed upon.

874. What is an inspector?

875. How are inspectors paid?

876. To whose revision and control are State inspection laws subject?

877. What is the object of placing the States under the control of Congress in regard to duties on imports and exports?

To prevent the States from making laws interfering with the general authority of Congress to regulate commerce.

878. What are duties on tonnage?

Taxes or duties levied upon ships in proportion to their cubical contents expressed in tons.

879. How much is a ton expressed in cubic feet?

880. Why are States prohibited from laying duties on tonnage?

If the States are prohibited from raising revenue from duties on goods, they should also be prohibited from taxing the ships in which they are brought.

881. Does the Constitution in any other clause refer to taxation of any kind by State authority?

882. Does the Constitution deny the power of the States to levy taxes?

883. For what purposes may a State levy taxes?

For the support of its local government.

884. What would be the consequence of allowing States to maintain troops and ships of war?

It would endanger the public safety by causing jealousies among the States, and provoking hostilities with foreign nations.

885. Why should not States be allowed to form compacts with each other or with foreign States?

Because the States might make such arrangements as would neutralize the powers of Congress; and foreign powers might gain an advantage over *all* the States by securing the favor of *one* State.

886. In what cases may States engage in war?

887. Has any State ever tried to engage in war unconstitutionally?

888. Have any States ever formed unconstitutional compacts with each other or with foreign nations?

889. Was this clause violated by the Southern States in 1861?

Blackboard Exercise, No. IX.

PROHIBITIONS UPON THE STATES.	I. COMPACTING.	1. Treaties.
		2. Alliances.
		3. Confederations. [51.]
	II. GRANTING LETTERS OF MARQUE AND REPRISAL. [51.]	
	III. FINANCIAL.	1. Coining Money.
		2. Bills of Credit.
		3. Tender. [51.]
	IV. LEGISLATIVE.	1. Bills of Attainder.
		2. Ex post facto laws.
		3. Impairing Contracts. [51.]
	V. GRANTING TITLES OF NOBILITY. [51.]	
	VI. LAYING DUTIES.	1. Imports.
		2. Exports.
		3. Tonnage. [52.]
	VII. KEEPING TROOPS OR SHIPS OF WAR. [52.]	
	VIII. AGREEMENTS.	1. With another State.
		2. With foreign Power. [52.]
	IX. ENGAGING IN WAR. [52.]	

ARTICLE II.—THE EXECUTIVE DEPARTMENT: THE PRESIDENT AND VICE-PRESIDENT.

Section I.—Term: Election: Qualifications: Salary: Oath of Office.

✓ **Clause I.** *"The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:"* [53.]

890. Define the words "Executive," "vested," "President," "office," "term," "Vice-President," "chosen," and "elected."

891. Was there any President under the Confederation?

892. In whom is the Executive power of the United States vested?

893. Is any power vested in the President's cabinet by the Constitution?

894. Is the Executive power defined in the Constitution?

895. Why is the Executive power vested in one man?

To secure a stronger sense of personal responsibility and a more energetic execution of the laws.

896. When did our nation select the name of "The United States of America"?

897. For how long a term are the President and Vice-President of the United States elected?

898. How does the President's term of office compare with that of Senators and Representatives?

899. What advantage results from making the term of the President four years?

The different departments of Government are never dissolved at the same time.

900. What evil might result from making the President's term less than four years?

Sudden changes in the policy of the General Government.

901. Are Presidents of the United States restricted to any particular number of terms?

902. How many Presidents have been elected a second time?

903. Has any President been a candidate for a third term?

904. What serious disadvantage is there in not limiting the President to a single term of office?

The danger of shaping his administration so as to secure renomination.

905. What danger might result from making the Presidential term a long one?

It might tend to make the Executive independent of the will of the people.

906. When does the Presidential term begin?

907. How long does the Vice-President serve, in case he succeeds the President?

✓ **Clause II.** *"Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector."* [54.]

908. Define the words "State," "appoint," "Legislature," "direct," "Electors," "Senators," "Representatives," "entitled," "Congress," "trust," "profit," and "appointed."

909. For what does this clause provide?

910. Who appoints the Electors of President and Vice-President of the United States?

911. In what manner are the Electors of President and Vice-President appointed?

912. How many Electors of President and Vice-President is each State allowed to appoint?

913. What persons are disqualified from being Electors of President and Vice-President of the United States?

914. What scheme for electing the President of the United States was first proposed in the Constitutional Convention?

It was proposed that he should be elected by the National Legislature.

915. How were the Electors of President and Vice-President formerly chosen?

In four different ways: by joint ballots of the State Legislatures; by a concurrent vote of the two branches of the State Legislature; by the people of the State voting by general ticket; and by the people voting in districts.

916. To whom is the election of Electors of President and Vice-President now generally confided?

To the people of the several States.

917. To how many electors of President and Vice-President is your State entitled? (Reckon one for each Congressional district, and two at large.)

918. What are the qualifications of Electors of President and Vice-President?

919. Can a Postmaster be an Elector of President and Vice-President?

[**Clause III.** "The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one, who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President."] [55.]

N. B.—This clause has since been repealed. It is quoted here merely for reference, and not to be learned by the pupil. Instead of learning it, he should study the following, which is Article XII. of the Amendments, and which contains the present mode of electing the President and Vice-President. This Amendment is treated of here, because of its connection with the present subject.

Amendment, Article XII.

Mode of choosing the President and Vice-President.

✓ **Clause I.** *"The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign, and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right to choose shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death, or other constitutional disability, of the President."* [95.]

920. Define the words "respective," "vote," "ballot," "inhabitant," "distinct," "sign," "certify," "transmit," "sealed," "seat of government," "directed," "presence," "certificates," "majority," "representation," "quorum," "devolve," and "disability."

921. Where do the Electors of President and Vice-President of the United States meet?

922. How do Presidential Electors vote?

923. For what officers do the Presidential Electors vote?

924. Can Presidential Electors vote for both President and Vice-President, if they are inhabitants of the same State with themselves?

925. What is the object of this provision?

To prevent local partialities.

926. How are the Presidential Electors required to make their ballots?

927. How does the present mode of balloting for President and Vice-President differ from the former mode?

928. What provision is made to prevent mistakes in balloting for President and Vice-President of the United States?

929. What provision is made to prevent fraud in handling the ballots of the Presidential Electors?

930. Where are the lists made by the Presidential Electors sent?

931. To whom are the lists made by the Presidential Electors directed?

932. How are the votes of the Presidential Electors counted at the seat of government?

933. What number of Electoral votes is necessary to an election of President and Vice-President of the United States?

934. Why should not a person be elected to the Presidency and Vice-Presidency who has a *plurality* of votes?

In case there were several candidates, a person might be elected by a small number of votes, against the wishes of a large number of the people.

935. Who elects the President of the United States, in case the Electors fail to do so?

936. How does the House of Representatives elect the President when the choice devolves upon them?

937. When?

938. How is the House of Representatives limited in its choice of candidates for President of the United States?

939. How are the votes of the House of Representatives taken in choosing the President of the United States?

940. What States are favored by this mode of voting?

The smaller States; the smallest having in such a case as much weight as the largest.

941. What States have the advantage when the President of the United States is chosen by Electors?

The large States.

942. In choosing the President of the United States in the House of Representatives, what is necessary to make a quorum of the House?

943. What number of States is necessary to a choice of President of the United States by the House of Representatives?

944. How long can the duty of choosing a President of the United States be deferred by the House of Representatives?

945. Why is that day particularly named?

Because the existing President's term of office expires on that day.

946. In case the House of Representatives fail to choose a President of the United States before the 4th of March, who succeeds to the Presidency?

The newly elected Vice-President.

947. Has the country ever had or been threatened with a case of this kind?

948. How are the certificates of the Presidential Electors sent to Washington?

One of the certificates is sent by special messenger to the President of the Senate; a second one is forwarded to the same person by mail; and a third is delivered to the judge of the district in which the Electors assemble.

949. When are the Electoral votes counted in the presence of the Senate and House of Representatives?

The proceeding takes place in the Hall of the House of Representatives on the second Wednesday of February.

950. Which of our Presidents have been elected by the House of Representatives?

951. What led to the adoption of the Twelfth Amendment?

The protracted contest in the House of Representatives between Thomas Jefferson and Aaron Burr.

952. How many Presidents have been elected by the House of Representatives since the adoption of the Twelfth Amendment?

953. When was the Twelfth Amendment proposed?

In December, 1803.

954. When was the Twelfth Amendment ratified?

In September, 1804.

955. Point out the chief points of difference between the old and new mode of electing the President and Vice-President.

Clause II. *"The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators; a majority of the whole number shall be necessary to a choice."* [96.]

956. To what does this clause relate?

957. What number of Electoral votes is necessary to elect the Vice-President?

958. If the Electors fail to elect a Vice-President, how is he chosen?

959. How is the Senate limited in its choice of candidates when the choice of Vice-President of the United States devolves upon it?

960. What constitutes a quorum of the Senate when choosing the Vice-President of the United States?

961. What number of Senators is necessary to a choice of the Vice-President of the United States?

962. Does the Senate in choosing the Vice-President of the United States vote by States?

963. How many times has the choice of a Vice-President of the United States devolved upon the Senate?

964. Compare this clause with that of the original article.

Clause III. *"But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States."* [97.]

965. Define the words "constitutionally," "ineligible," "office," and "eligible."

966. Why are the same qualifications required of the Vice-President as of the President?

Because in certain cases the Vice-President succeeds to the office of President.

967. Was this clause in the original Constitution when first presented to the Convention?

968. Was there any necessity for its being placed in the original Constitution?

969. How many times since the adoption of the Constitution has the Vice-President been called upon to act as President?

970. Give an account of each case.

Clause IV. “*The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.*” [56.]

971. Define the words “Congress,” “determine,” “electors,” and “votes.”

972. How is the time of choosing Presidential Electors determined?

973. What is the choice of Electors of President and Vice-President generally called?

The Presidential Election.

974. Is the time of choosing Electors of President and Vice-President the same throughout the States?

It is. By act of Congress of January 23, 1845, the Electors are to be chosen in each State on the Tuesday next after the first Monday in November.

975. How is the day on which the Presidential Electors shall give their votes determined?

976. Is the day on which Presidential Electors give their votes the same throughout the United States?

977. Where and when do the Presidential Electors give their votes?

At a place designated by the State Legislature, on the first Wednesday of December.

978. When and where are the votes of the Presidential Electors counted?

979. Is the result of the Presidential election known before the votes are counted in Congress?

Clause V. “*No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have*

attained to the age of thirty-five years, and been fourteen years a resident within the United States." [57.]

980. Define the words "citizen," "adoption," "Constitution," "eligible," "attained," and "resident."

981. To what does this clause relate?

982. What is required of the President of the United States in regard to birth?

983. What temporary exception was made to the qualification of birth of the President of the United States?

984. Why was this exception made?

From gratitude to those distinguished foreigners who had rendered the country service during the Revolution.

985. How old must the President of the United States be?

986. How long must the President have been a resident of the United States?

987. Are persons born of parents while abroad in the public service ineligible to the office of President of the United States?

988. Does a residence abroad on official duty incapacitate one from holding the office of President?

No. Mr. Buchanan had been Minister to England just prior to his election to the Presidency in 1856.

Clause VI. *"In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected."* [58.]

989. Define the words "removal," "office," "resignation," "inability," "discharge," "powers," "duties," "devolve," "accordingly," and "elected."

990. When does the office of President devolve upon the Vice-President?

991. Who declares what officer shall act in case of the removal, death, resignation, or inability of both President and Vice-President?

992. When Congress provides the President's successor, how long does that officer act?

993. When the Vice-President succeeds to the office of President, is he called President or *acting President*?

Congress has uniformly recognized the Executive in such cases as President, making no distinction between him and the President originally elected as such by the people.

994. Would the person succeeding to the office vacated by both President and Vice-President be called President or *acting President*?

995. How has Congress provided by law for a successor in case of the removal, death, resignation, or inability of both President and Vice-President?

Congress has provided that the President *pro tempore* of the Senate, and in case there is no such officer, the Speaker of the House of Representatives shall act as President until the disability be removed or a new President be elected.

996. If the President *pro tempore* of the Senate, or the Speaker of the House of Representatives, acts as President of the United States, when would a new election take place?

Such special election would be held at the same time of the year as the regular election.

997. Would this include the case of a non-election of President and Vice-President at the regular time?

998. How often has a vacancy in the office of President occurred by death?

999. Has the office of President ever been made vacant by any other cause than death?

1000. In case of the death of the Vice-President only, does the President *pro tempore* of the Senate succeed to that office?

1001. How many Presidents and Vice-Presidents have died while in office?

Clause VII. "*The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.*" [59.]

1002. Define the words "President," "stated," "services," "compensation," "increased," "diminished," "period," "elected," and "emolument."

1003. Is the President paid for his services?

1004. Why should the President receive compensation for his services?

Otherwise the expense of the office might exclude men well qualified for the position, but in moderate circumstances.

1005. Can the President's compensation be increased while he continues in office?

1006. Why should the President's compensation not be increased while he is in office?

Because a corrupt President might abuse the patronage of his office, in order to get such an increase of salary.

1007. Why should the President's salary not be diminished while he is in office?

If Congress had the power to diminish the President's salary, it would go far to destroy his independence.

1008. Is the President allowed to receive any emolument besides his salary from the United States, or from any particular State, during his term of office?

1009. What is the present salary of the President of the United States in money?

1010. Does our nation furnish the President with a home, and any other expenses?

1011. What is the President's house called?

1012. How is the salary of the President paid?

The President's salary is paid monthly.

1013. What is the present salary of the Vice-President?

1014. What compensation does the Vice-President receive when he succeeds to the Presidency?

1015. What compensation would the President *pro tempore* of the Senate or the Speaker of the House of Representatives receive if he should succeed the President?

Clauses VIII. and IX. *"Before he enter on the execution of his office, he shall take the following oath or affirmation: 'I do solemnly swear (or affirm), that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.'"* [60.]

1016. Define the words "enter," "execution" "office," "oath," "affirmation," "swear," "affirm," "ability," "preserve," "protect," "defend," and "Constitution."

1017. What oath or affirmation is required of the President before he enters on the execution of his office?

1018. Who administers the Presidential oath?

The Chief-Justice of the Supreme Court.

1019. When is the Presidential oath administered?

1020. Does the Vice-President take an oath similar to the President's?

1021. When the Vice-President succeeds the President, is it necessary for him to take the oath prescribed in the Constitution for the President?

Mr. Tyler did, although he deemed himself qualified to perform the duties and exercise the powers of the President's office without any other oath than that which he took as Vice-President. The same was done by Mr. Fillmore, Mr. Johnson, and Mr. Arthur.

Section II.—The President's Executive Powers.

Clause I. *"The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment."* [61.]

1022. Define the words "President," "commander-in chief," "army," "navy," "militia," "actual," "opinion," "principal," "executive," "departments," "respective," "offences," and "impeachment."

1023. Who is commander-in-chief of the army and navy of the United States?

1024. Who commands the militia when in the actual service of the United States?

1025. Why should the command of the army and navy be entrusted to the President rather than to Congress?

Because military and naval operations require a degree

of promptitude and unity which could not be obtained in a numerous body like Congress.

1026. Is it to be inferred from the Constitution that the President actually takes command of the army in person in time of war?

That is not the intention; though he has the power, if so disposed.

1027. In what sense is the President commander-in-chief of the army and navy?

He directs the application of military force, in the execution of the laws, in maintaining peace at home, and in resisting foreign aggression.

1028. Why is the President made commander-in-chief of the militia when in the service of the United States?

In order that there may be unity of action, training, and discipline.

1029. Who are the Heads of Departments?

The advisers of the President, collectively called his Cabinet.

1030. What may the President require of the Heads of Departments?

1031. Does the Constitution specify the power to establish Departments as one of the powers of Congress?

No; its language simply implies that such Departments would be established.

1032. What pardoning power is vested in the President?

1033. What is a reprieve?

A reprieve is the temporary postponement of the execution of a sentence, especially of death.

1034. What is a pardon?

A pardon is a full release from punishment, and the remission of penalties which would otherwise be inflicted.

1035. In what case has the President no pardoning power?

1036. Has the President authority to pardon in case of contempt?

It is thought not, because it would tend to make the legislative bodies wholly dependent upon the President's good will and pleasure for the exercise of their own powers.

1037. Can the President pardon before trial as well as after?

1038. Can the President grant a conditional pardon?

The Supreme Court has decided that he can.

1039. Does the pardoning power of the President include the power to restore a man to an office from which he may have been removed?

1040. Give an instance of the exercise of the pardoning power by the President.

Clause II. *"He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments."* [62.]

1041. Define the words "power," "advice," "consent," "provided," "concur," "nominate," "appoint," "established," "law," "vest," "inferior," and "Departments."

1042. What are treaties?

Treaties are agreements or contracts between two or more nations, entered into with proper formality, defining the rights of the respective parties with regard to trade, commerce, boundaries, or any other subject of interest to the nations concerned.

1043. By whom are treaties made?

1044. How is the President limited in the treaty-making power?

1045. How large a vote of the Senate is necessary to confirm a treaty?

1046. Has a treaty ever been made by Congress in which the President took no part?

1047. If a treaty made by the President and the Senate with a foreign power involve the payment of money, can Congress exercise any discretion as to the appropriation?

1048. How are treaties negotiated?

By commissioners appointed for the purpose, or by ambassadors or other public ministers.

1049. How does the Senate discuss treaties?

In Executive session; that is, with closed doors.

1050. What officers are appointed by the President?

1051. How is the appointing power of the President limited?

1052. What provision is made in the Constitution for the appointment of inferior officers?

1053. How large a vote in the Senate is necessary to confirm a nomination made by the President?

A majority.

1054. Is any provision made in the Constitution for the removal of persons from office?

1055. To whom has the power of removal from office been given in practice?

To the President?

1056. How has the power of the President to remove from office been limited?

By an exception in favor of military and naval officers, and by an act regulating the tenure of civil officers.

1057. What is an ambassador?

A minister of the highest rank.

1058. How is the word "minister" used in the Constitution?

It is a word used to designate a person appointed by the Government to represent it, and to manage its interests at the court or seat of government of some other power.

1059. What is a consul?

A person commissioned to reside in a foreign country, as an agent or representative of a government, to protect the rights of its citizens, and assist in the transaction of commercial or diplomatic business.

1060. Does the Constitution specify who are meant by "inferior officers"?

1061. Are the Heads of Departments "inferior officers"? -

1062. Which Department has the largest number of appointments vested in it?

1063. If Congress do not vest the appointment of inferior officers in the President alone, in the courts, or in the Heads of Departments, who would make the appointments?

Clause III. *"The President shall have power to fill up all*

vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session." [63.]

1064. Define the words "vacancies," "recess," "commissions," "expire," and "session."

1065. What provision is made for vacancies which may happen during the recess of the Senate?

1066. For how long a time do commissions granted by the President during the recess of the Senate continue?

1067. Why is it necessary to make some provision for temporary appointments by the President during the recess of the Senate?

As vacancies are continually occurring by death, resignation, or otherwise, the operations of the Government would be liable to serious embarrassments, unless the Senate were kept in perpetual session.

1068. If a person commissioned by the President in the recess of the Senate be nominated by the President and confirmed by the Senate at the next session, is this regarded as a *new* appointment?

Yes; a new commission is issued, and if a bond had been given under the appointment during the recess, a new one is required.

1069. If a vacancy should be filled by the President in the recess of the Senate, and the officer thus appointed should be nominated to the Senate at their next session and should be rejected, could the President, after the re-adjournment of the Senate, reappoint the same person?

1070. If the Senate take no action on the nomination of the President, who makes the appointment?

Section III.—President's Executive Duties.

"He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faith-

fully executed, and shall commission all the officers of the United States." [64.]

1071. Define the words "information," "State," "Union," "recommend," "consideration," "measures," "expedient," "extraordinary," "convene," "disagreement," "adjournment," "ambassadors," "public ministers," "commission," and "officers."

1072. What information is the President required to give to Congress?

1073. What is the President required to recommend to the consideration of Congress?

1074. How often does the President send messages to Congress?

Messages are sent at the beginning of each regular session of Congress, and special messages at any time that the President may think the interests of the country require them.

1075. How were the President's messages formerly delivered?

In a speech, to which reply was made by both Houses of Congress.

1076. How are the President's messages now delivered?

In the form of a written document, to which no answer is returned?

1077. What provision is made in the Constitution for extra sessions of Congress?

1078. How often has the President exercised his authority to convene extra sessions of Congress?

1079. Can the President convene the Senate without calling together the House of Representatives?

1080. Has any case yet arisen of disagreement between the two Houses of Congress in regard to the time of adjournment?

1081. For how long can the President adjourn Congress?

1082. To whom is given the power of receiving Ambassadors and other public Ministers?

1083. What is the effect of receiving an Ambassador or other public Minister?

It is the same thing as recognizing the country from which such persons come as belonging to the great commonwealth of nations.

1084. Does the power to receive involve the power to refuse to receive, or to reject and dismiss, Ambassadors and other public Ministers?

It does.

1085. Does the President make or repeal laws?

1086. Does the President interpret the meaning of laws?

1087. Who is responsible for the execution of the laws of the United States?

1088. What means of executing the laws are given to the President?

The army and navy, and, if need be, the militia, are under his orders; and directly or indirectly all Executive offices are filled by men of his selection.

1089. Who is required to commission all officers of the United States?

1090. What is a commission?

A formal certificate of appointment, reciting the powers conferred, and issued by the proper authority.

Section IV.—Impeachment.

“The President, Vice-President, and all civil officers of the United States, shall be removed from office, on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.” [65.]

1091. Define the words “civil,” “impeachment,” “conviction,” “treason,” “bribery,” “crimes,” and “misdemeanors.”

1092. What officers does the Constitution make liable to impeachment?

1093. Who are meant by civil officers of the United States?

Officers deriving their appointments from the National Government.

1094. Are members of Congress officers of the United States?

It has been decided that they are not.

1095. What officers of the United States are there besides civil officers?

Military and Naval officers.

1096. Are Military and Naval officers liable to impeachment?

The Constitution does not forbid it; but they are subject to the trial and decision of Court-Martial.

1097. Give examples of civil officers of the United States.

Heads of Departments, Judges of the Supreme Court, Marshals, Collectors, and District Attorneys.

1098. For what offences are officers liable to impeachment?

1099. What is the extent of the penalty in cases of impeachment?
 1100. Where do impeachments originate?
 1101. By whom are impeachments tried?
 1102. Who presides when the President of the United States is impeached?
 1103. Does the Constitution specify who "civil officers" are?
 1104. Can persons not in office be impeached?
 1105. How many cases of impeachment have been tried?
 1106. How many persons have been convicted of impeachment?

Blackboard Exercise, No. X.

EXECUTIVE DEPARTMENT.

I. PRESIDENT.

1. *Title.* [53.]
2. *Term.* [53.]
3. *Election.* {
 - a. By Electors. [95.]
 - b. By House of Representatives. [95.]
4. *Electors.* {
 - a. Number. [54.]
 - b. Qualifications. [54.]
 - c. When chosen. [56.]
 - d. When they vote. [56.]
5. *Qualifications.* {
 - a. Nativity.
 - b. Age.
 - c. Residence. [57.]
6. *Removal.* [58.]
7. *Compensation.* [59.]
8. *Oath.* [60.]
9. *Military Powers.* {
 - a. Army.
 - b. Navy.
 - c. Militia. [61.]
10. *Civil Powers.* {
 - a. Departments. [61.]
 - b. Reprieves and Pardons. [61.]
 - c. Treaties. [62.]
 - d. Appointments. [62.]
 - e. Vacancies. [63.]
11. *Duties.* {
 - a. Messages.
 - b. Meetings of Congress.
 - c. Adjournment of Congress.
 - d. Receptions.
 - e. Execution of laws.
 - f. Commissions. [64.]
12. *Impeachment.* [65.]

EXECUTIVE DEPARTMENT.

II. VICE-PRESIDENT.

1. *Title.*
2. *Election.* { *a.* By Electors.
 b. By Senate. [96.]
3. *Qualifications.* [97.]
4. *Electors.* { *a.* When chosen. [54.]
 b. When they vote. [56.]
5. *Removal.* [58.]
6. *Compensation.* [49.]
7. *Oath.* [82.]
8. *Duties.* [11, 12.]
9. *Impeachment.* [65.]

ARTICLE III.—THE JUDICIAL DEPARTMENT.

Section I.—United States Courts.

✓ *"The Judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office."* [66.]

1107. Define the words "Judicial," "vested," "Supreme," "inferior," "ordain," "establish," "stated," "compensation," "diminished," and "continuance."

1108. Where is the Judicial power of the United States vested?

1109. How is the Supreme Court established?

By the Constitution.

1110. Who organizes the Supreme Court?

Congress.

1111. Why is the Supreme Court absolutely necessary?

To insure uniformity in the interpretation of the laws.

1112. What kind of Courts is Congress allowed to establish?

1113. How many inferior Courts have been established by Congress?

1114. How are the Judges of all the United States Courts appointed?

1115. How long do Judges of the Supreme and inferior courts hold their office?

1116. Why do Judges hold their office during good behavior?

Otherwise they would be dependent upon the other departments of the Government, and, as a result, might be less independent in their decisions.

1117. Are Judges paid for their services?

1118. Can the salary of a Judge be diminished during his continuance in office?

1119. Why is Congress not allowed to change the salary of a Judge while he is in office?

Such a power would enable Congress to influence or overawe the Judges.

1120. What are the salaries of the various United States Judges at the present time?

1121. What provision has been made for retiring United States Judges?

Any Judge of any Court of the United States having held his commission ten years, and having attained the age of seventy years, may resign his office and receive the same salary during life which was payable to him at the time of his resignation.

Section II.—Jurisdiction.

Clause I. *"The Judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State, claiming lands under grants of different States, and between a State or the citizens thereof, and foreign States, citizens, or subjects."* [67.]

1122. Define the words "extend," "equity," "Constitution,"

"laws," "treaties," "authority," "cases," "affecting," "ambassadors," "ministers," "consuls," "admiralty," "maritime," "jurisdiction," "controversies," "party," "citizens," "grants," and "subjects."

1123. To what does this clause relate?

To the extent of the jurisdiction of the United States Courts.

1124. Name the different classes of cases over which the United States Courts exercise jurisdiction.

1125. Has a Court any power in regard to a case before it is regularly brought before it?

1126. Can the Courts give information to Congress that a proposed law is unconstitutional?

1127. Can the Courts advise the President that a law already enacted is in conflict with the Constitution?

1128. How is the word law generally understood?

As the supreme power of the State, through its Legislature, commanding what is right, and prohibiting what is wrong.

1129. What is the object of equity jurisprudence?

To supply the deficiencies of the Courts of law, and to render the administration of justice more complete, by affording relief where the Courts of law are, for various reasons, unable to give it.

1130. If a law of the United States is violated, where must the offender be tried?

1131. If a provision of the Constitution is neglected, and a citizen is thereby injured, where could he seek redress?

1132. Where are persons held responsible for disregarding the stipulations of treaties?

1133. Where would mail robbery, evasion of the revenue laws, or counterfeiting the coin of the United States be tried?

1134. In what Courts are our Ambassadors, other public Ministers, and Consuls tried?

1135. To what laws are Ministers representing foreign countries amenable?

To the law of nations, and the laws of the States from which they are sent.

1136. Where are cases of admiralty and maritime jurisdiction tried?

1137. In what two ways may cases of admiralty and maritime jurisdiction arise?

Either out of acts done at sea, or out of the rights claimed under the laws of commerce.

1138. Why should acts done at sea be tried by the National Courts?
Because such acts involve questions of international law.

1139. Why should rights claimed under the laws of commerce be tried by the National Courts?

Because the regulation of commerce is given exclusively to the General Government.

1140. Where are cases to which the United States shall be a party tried?

1141. Where are controversies between two or more States tried?

1142. Where are controversies between a State and citizens of another State tried?

1143. Where are controversies between citizens of the same State claiming lands under grants of different States tried?

1144. Who tries controversies between a State, or the citizens thereof, and foreign States, citizens, or subjects?

1145. Why should controversies involving States and citizens be tried in the National Courts?

Because, if they were tried in the State Courts, the several States might be inclined to favor themselves and their own citizens; and if there were no impartial umpire to decide such cases, there might arise dissensions among the States, and collisions with foreign States.

1146. When is a State a party to a suit?

Only when it is named as such on the record.

1147. Can a suit be brought against a State by a private citizen?

It could as the Constitution was at first, but an Amendment was afterwards adopted to prevent this.

Amendment, Article XI.

"The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of

another State, or by citizens or subjects of any foreign State."
[94.]

1148. Define the words "judicial," "power," "construed," "extend," "suit," "law," "equity," "prosecuted," "citizens," "subjects," and "State."

1149. When was the Eleventh Amendment proposed?

March 5, 1794.

1150. When was the Eleventh Amendment ratified?

January 8, 1798.

1151. Why was the Eleventh Amendment adopted?

Because it was thought derogatory to State sovereignty to allow a State to be sued by a private citizen.

1152. To what kind of suits does the judicial power of the United States not extend?

1153. What is the disadvantage of the Eleventh Amendment?

While it upholds the dignity of the States, it weakens the power of the national judiciary to do justice to the citizen, which is one of the great objects for which the Constitution was formed.

1154. Does the word State used in the Eleventh Amendment and the clause which it amends, include the Territories and the District of Columbia?

It is interpreted not to include them.

1155. Can a citizen of a Territory, or of the District of Columbia, bring a suit in a United States Court?

He cannot.

1156. Can a direct suit be brought against the United States either by a citizen or a State, without the authority of an act of Congress?

No; but claims against the United States can be brought before the Court of Claims.

1157. Are officers of the General Government liable to be sued for acts performed in the regular discharge of their official duties?

No; to allow this would endanger all the operations of the Government.

Clause II. *"In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a*

party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make." [68.]

1158. Define the words "cases," "affecting," "ambassadors," "ministers," "consuls," "State," "party," "law," "fact," "exceptions," and "regulations."

1159. To what does this clause relate?

To the jurisdiction of the Supreme Court.

1160. What is meant by jurisdiction?

The power to hear and render judgment in a case.

1161. What two kinds of jurisdiction has the Supreme Court?

1162. What is original jurisdiction?

The right to hear and render judgment in a case in the first instance.

1163. What is appellate jurisdiction?

The power to hear and deliver judgment in a case which has been brought up from a lower Court by appeal.

1164. In what cases only may the Supreme Court have original jurisdiction?

1165. Can the original jurisdiction of the Supreme Court be enlarged or diminished?

It has been decided that it cannot.

1166. In what cases does the Supreme Court have appellate jurisdiction?

In cases of admiralty and maritime jurisdiction; in controversies to which the United States shall be a party; in controversies between citizens of different States; and in controversies between citizens of the same State claiming lands under grants of different States.

1167. How extensive is the appellate jurisdiction of the Supreme Court?

1168. How is the appellate jurisdiction of the Supreme Court limited by Congress?

1169. How extensive would the appellate jurisdiction of the Su-

preme Court have been, if Congress had not made exceptions and regulations in reference to it?

It would have extended to all cases coming under the cognizance of the National Courts, except those in which the Constitution had granted original jurisdiction.

1170. In what cases has Congress provided for the exercise of the appellate jurisdiction of the Supreme Court?

Cases which involve the Constitution, laws, or treaties of the United States; and which have been decided by and appealed from the highest State Courts.

1171. What two views are held as to the appellate jurisdiction of the Courts?

Some think that the Constitution gives Congress control of the whole matter; others hold that the Constitution itself vests the judicial power of the nation in the Supreme Court, and such inferior courts as Congress may establish.

1172. How often has Congress enacted laws which in the judgment of the Supreme Court conflicted with the Constitution?

Three times: first, in the case of the judiciary act of 1789, authorizing the Supreme Courts to issue writs of *mandamus*; second, in the case of the eighth section of the act known as the Missouri Compromise, passed in 1820; and third, in the case of an act passed in 1862, compelling all officers of the United States, including attorneys practising in United States Courts, to take a test oath.

Clause III. “*The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place, or places, as the Congress may by law have directed.*”
[69.]

1173. Define the words “trial,” “crimes,” “cases,” “impeachment,” “jury,” “State,” “committed,” “law,” and “directed.”

1174. What mode of trying crimes is required by the Constitution?

1175. Are impeachments tried by jury?

1176. Where does the Constitution require the trial of crimes to be held?

1177. When crimes are not committed within any State, who selects the place or places where such trials shall be held?

1178. Where are crimes tried which are committed at sea?

1179. What is a trial by jury?

A trial by twelve men, impartially selected, who must agree as to the guilt of the person accused before he can be convicted.

1180. Why should crimes be tried in the States where they have been committed?

1181. Must the verdict of a jury be unanimous?

1182. How is the right of trial by jury generally regarded?

As the greatest safeguard of personal liberty.

Section III.—Treason.

✓ **Clause I.** *"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court."* [70.]

1183. Define the words "consist," "levying," "war," "adhering," "aid," "comfort," "convicted," "testimony," "witnesses," "overt act," "confession," "open," and "court."

1184. How does the Constitution define treason?

1185. Why does the Constitution define the crime of treason?

Because in times of political excitement acts of a much less heinous character have often been exaggerated and construed into the crime of treason.

1186. What is necessary to convict a person of treason?

1187. Why is the testimony of two witnesses required to convict of treason?

To protect the accused party against misrepresentation.

1188. Why is there more danger of misrepresentation in cases of treason than in other crimes?

Because the charge is generally made by interested partisans, and in times of unusual excitement.

1189. Why is it required that confession of treason should be made in open court?

To protect the accused against being ruined by hasty and unguarded expressions, and against being incorrectly reported.

1190. How is treason regarded?

As the worst crime that can be committed against society.

1191. What famous case of treason was tried in 1807?

1192. Is it treason to conspire to overthrow the Government, if war is not actually levied?

It is not.

✓ **Clause II.** *"The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted."* [71.]

1193. Define the words "power," "declare," "punishment," "treason," "attainder," "corruption," "blood," "forfeiture," and "attainted."

1194. What is the difference between "A Congress" and "The Congress"?

1195. Who declares the punishment of treason?

1196. How is Congress limited in declaring the punishment of treason?

1197. What is meant by an attainder of treason?

Conviction of the crime of treason.

1198. What is meant by corruption of blood?

One whose blood is corrupted cannot inherit property from others, nor transmit an inheritance to his children.

1199. How far may Congress declare an estate forfeited?

1200. What has Congress declared the punishment of treason to be?

Death by hanging.

1201. If the clause in reference to the power of Congress to declare the punishment of treason had been omitted from the Constitution, would Congress still have had the power?

1202. If the property of a traitor has been confiscated, must it be restored to his heirs at his death?

1203. Can treason be committed against a particular State?

Blackboard Exercise, No. XI.

JUDICIAL DEPARTMENT.	I. WHERE VESTED.	{ 1. Supreme Court. 2. Inferior Courts. [66.]
	II. JUDGES.	{ 1. Tenure. 2. Compensation. [66.]
	III. JURISDICTION.	{ 1. Cases in law and equity. 2. Diplomatic cases. 3. Admiralty and Maritime cases. 4. National controversies. 5. Inter-State complications. 6. Individual cases. 7. Original and Appellate. [67.]
	IV. AMENDMENT.—Suits against States.	[94.]
	V. MODE OF TRIAL.	{ 1. By Jury. 2. Exception. 3. Place. [68, 69.]
	VI. TREASON.	{ 1. Definition. [70.] 2. Conviction. [70.] 3. Punishment. { a. Defined by Congress. b. Limitation. [71.]

ARTICLE IV.—RELATIONS OF STATES.

Section I.—Public Records.

"Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof." [72.]

1204. Define the words "faith," "credit," "acts," "records," "judicial," "proceedings," "laws," "prescribe," "proved," and "effect."

1205. What force does the Constitution require to be given to the acts, records, and judicial proceedings of the several States?

1206. Who prescribes the manner in which the acts, records, and judicial proceedings of the several States shall be proved, and the effect thereof?

1207. What is meant by full faith and credit?

It means that credit which the State itself gives to its acts, records, and judicial proceedings when proven.

1208. What are public acts?

Legislative acts, and the enacted laws of a State.

1209. What are records?

The registration of deeds, wills, legislative journals, etc.

1210. What are judicial proceedings?

The proceedings, judgments, orders, etc., of Courts.

1211. How are the acts of a Legislature of a State authenticated?

By its seal.

1212. How are the records of a Court proved?

By the attestation of the Clerk and the seal of the Court annexed (if there be one), with the certificate of the Judge.

1213. What would be the consequence of not giving the acts, records, and judicial proceedings of each State full faith and credit in every other State?

When a legal investigation and decision had been made in one State, it might be necessary to repeat the same in every State to which the parties should go.

Section II.—Rights in one State of Citizens of Another.

✓ **Clause I.** *"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."* [73.]

1214. Define the words "citizens," "entitled," "privileges," "immunities," and "several."

1215. How does the Fourteenth Amendment describe citizens? [99.]

1216. When a citizen removes from one State to another, does he forfeit any of the privileges and immunities of citizenship?

1217. What is the object of this clause?

To prevent the States from giving unjust preferences to their own citizens.

1218. What would be the effect of giving State preferences?

Alienations and discontents.

1219. Can a person be a citizen of the United States, and not of any particular State?

1220. Where a man becomes a resident of a State, does he become a citizen of it also?

1221. Can a man moving from one State to another claim privileges and immunities which were peculiar to the State which he left?

1222. Does this clause provide that the person and property of a citizen of one State shall be secure in every other State?

1223. Has this clause of the Constitution always been respected?

1224. Why was the Civil Rights Bill passed by Congress? [99.]

1225. Why was the Fourteenth Amendment adopted? [99-102.]

✓ **Clause II.** *"A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."* [74.]

1226. Define the words "charged," "treason," "felony," "crime," "justice," "demand," "executive," "authority," "delivered," "removed," "State," and "jurisdiction."

1227. To what does this clause relate?

To the restoration of fugitive criminals.

1228. What provision is made in the Constitution for the restoration of fugitive criminals?

1229. Has a State any authority beyond its own limits?

1230. Upon whom is the demand for the restoration of a fugitive criminal to be made?

Congress provided in 1793 that it should be made on the executive authority of the State to which the criminal has fled.

1231. With what document must the demand for the restoration of a fugitive criminal be accompanied?

A copy of the indictment found, or an affidavit made before a magistrate, and certified as authentic by the Governor making the demand.

1232. By whose order is the arrest of a fugitive criminal made?

By order of the Governor of the State to which the criminal has fled.

1233. To whom are fugitive criminals delivered when arrested?

To the agent of the State from which the criminal fled.

1234. Who bears the expenses connected with the arrest of fugitive criminals?

The State from which the escape was made.

1235. Can a fugitive from justice be arrested and detained prior to the demand of the Governor of the State from which he fled?

1236. What is extradition?

The giving up by one *nation* of a fugitive from justice escaping into another nation, in consequence of express treaty stipulations.

1237. With what nations have we extradition treaties?

✓ **Clause III.** “*No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.*” [75.]

1238. Define the words “person,” “service,” “labor,” “laws,” “regulation,” “discharged,” “delivered,” “claim,” “party,” and “due.”

1239. To what does this clause relate?

To the restoration of persons held to service or labor.

1240. What provision did the Constitution make concerning fugitives from service?

1241. Who were meant by fugitives from service?

1242. How has this clause been affected by the Thirteenth Amendment to the Constitution? [98.]

Section III.—New States and Territories.

✓ **Clause I.** “*New States may be admitted by the Congress into this Union; but no new State shall be formed, or erected, within the jurisdiction of any other State; nor any State be formed, by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.*” [76.]

1243. Define the words “States,” “admitted,” “Congress,” “Union,” “formed,” “erected,” “jurisdiction,” “junction,” “consent,” “Legislatures,” and “concerned.”

1244. To what does this clause relate?

To the organization of new States, and their admission into the Union.

1245. What Department of Government has the power of admitting new States into the Union?

1246. In what two cases is Congress denied the power of admitting a new State into the Union?

1247. Can a new State be formed or erected within the jurisdiction of any other State?

1248. What is necessary before a new State can be formed by the junction of two or more States, or parts of States?

1249. Has any new State ever been formed within the limits of the Union by the junction of two or more States?

1250. Which State was formed by the dismemberment of another?

1251. How many new States have been admitted into the Union?

1252. Which was the first new State admitted into the Union?

1253. Which was the last State admitted into the Union?

1254. Is any new State at present seeking admission into the Union?

1255. Is Congress compelled to admit States into the Union?

1256. Can Congress compel the people of a Territory to become a State?

✓ **Clause II.** *"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property, belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."* [77.]

1257. Define the words "Congress," "power," "dispose," "rules," "regulations," "respecting," "territory," "property," "Constitution," "construed," "prejudice," "claims," and "particular."

1258. To what does this clause relate?

To the disposal and government of the Territories of the United States.

1259. Who has the power to dispose of territory belonging to the United States?

1260. What is meant by "other property" belonging to the United States?

1261. Who makes all needful rules and regulations respecting the territory and other property belonging to the United States?

1262. What limitation is put upon the power of Congress over the Territories by the Constitution?

1263. What was the reason for limiting the power of Congress over the Territories?

At the time of the adoption of the Constitution, there were in the Western Territory certain contested titles, which, however, have since been settled.

1264. Can the United States acquire territory as well as govern it?

1265. What is a Territory?

A part of the domain of the United States considered as the name of the country, but not in the Union in the sense in which a State is.

1266. Of what does the government of a Territory usually consist?

It includes a Legislature chosen by the people, a Governor appointed by the President and Senate, and judges appointed in the same manner.

1267. When a citizen of a State goes to reside in a Territory, does he leave behind him his civil rights as well as his political privileges?

1268. Is a State compelled to remain a State?

1269. Can a State become a Territory again?

Section IV.—Protection Afforded to the States by the Nation.

✓ *"The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature cannot be convened), against domestic violence."* [78.]

1270. Define the words "guarantee," "State," "Union," "republican," "form," "government," "protect," "invasion," "application," "Legislature," "executive," "convened," "domestic," and "violence."

1271. What kind of government does the United States guarantee to every State in the Union?

1272. Does the Constitution define a *republican* government?

No. The National Government may be regarded as the model for the States.

1273. What is a republic?

1274. What would be the result, if one State were allowed to adopt a form of government different from that of all the other States?

It might endanger the liberties of all.

1275. For whom is the guarantee of a republican form of government in all the States principally intended?

For the *people* of each State, to secure them against the introduction of principles of government which are inconsistent with the purposes for which the Union was established.

1276. Is any particular department of our Government charged with the duty of guaranteeing every State in the Union a republican form of government?

No. This is the only instance in the Constitution where the Government has a duty enjoined upon it, while the particular department is not mentioned; but the Supreme Court has held that Congress is to decide what government is the established one in a State.

1277. How are the States of the Union protected against invasion?

1278. How are the States of the Union protected against domestic violence?

1279. What action on the part of a State is necessary before it can obtain the assistance of the United States against domestic violence?

1280. What is meant by domestic violence?

Insurrections or riots.

1281. Have any of our States ever needed protection against invasion?

1282. Have any States ever asked the assistance of the United States against domestic violence?

1283. What was the form of government of the States composing the "Southern Confederacy"?

1284. How were the governments of the seceded States reconstructed?

1285. How were the seceded States governed during their reconstruction?

1286. Have any States been admitted into the Union twice?

1287. Who decided whether the new governments of the reconstructed States were republican or not?

Blackboard Exercise, No. XII.

STATES AND TERRITORIES.	I. STATE RE- LATIONS.	{	1. <i>Acts.</i>	{	a. Faith and Credit.
			2. <i>Records.</i>		b. Proof and Effect.
			3. <i>Judicial Proceedings.</i> [72.]		
	II. STATE OBLIGATIONS.	{	1. Common Privileges.	{	[73.]
			2. Restoration of Fugitives.		[74.]
			3. Restoration of Slaves.		[75.]
	III. NEW STATES.	{	1. <i>Admission.</i>	{	a. In another State.
			2. <i>Formation.</i>		b. By junction of States. [76.]
	IV. TERRITORY AND PROPERTY OF UNITED STATES.	{	1. <i>Sale.</i>	{	2. Government. [77.]
	V. STATE GUAR- ANTEE.	{	1. <i>Republican Government.</i> [78.]	{	a. Foreign Invasion.
			2. <i>Protection.</i>		b. Domestic Violence. [78.]

ARTICLE V.

POWER OF AMENDING THE CONSTITUTION.

✓ *"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate." [79.]*

1288. Define the words "deem," "propose," "amendments," "Constitution," "application," "Legislatures," "several," "convention," "valid," "intents," "purposes," "ratified," "prior," "affect," "clauses," "section," "article," "consent," "deprived," and "suffrage."

1289. For what does this article provide?

The mode of making amendments to the Constitution.

1290. Why was it thought necessary to provide for amending the Constitution?

Because the Constitution was an experiment, and its practical working could not be foreseen with certainty.

1291. What would be the consequence of having a Constitution which could not be amended?

If any of its provisions worked badly, or if changes of circumstances rendered amendments necessary, which could not be made, the Constitution would cease to be effective, or would be entirely broken up by a revolution.

1292. What should be guarded against in providing for amendments to the Constitution?

The mode of making them should not be so easy as to lead to frequent changes without serious consideration.

1293. In what two ways may amendments to the Constitution be proposed?

1294. When may Congress by itself propose amendments to the Constitution?

1295. When shall Congress call a convention for proposing amendments to the Constitution?

1296. In what two ways may an amendment be ratified?

1297. By whom is the mode of the ratification of amendments to the Constitution proposed?

1298. What proportion of the States must ratify an amendment to the Constitution before it is declared adopted?

1299. What is the effect of an amendment to the Constitution when it has been proposed and properly ratified?

1300. What *temporary* limitation was made to the power of amending the Constitution?

1301. To what do the first and fourth clauses of the Ninth Section of Article I. of the Constitution refer?

1302. What *permanent* limitation was made to the power of amending the Constitution?

1303. Can Congress by its own action alone amend the Constitution?

1304. How many amendments to the Constitution have been proposed?

1305. By what mode have all the amendments to the Constitution been proposed?

By the first mode.

1306. How many of the proposed amendments to the Constitution have been ratified?

1307. By what mode have all the amendments thus far ratified been adopted?

By the first mode.

1308. When an amendment has been proposed by two-thirds of both Houses of Congress, is the approval of the President necessary?

For the most part they have not been submitted to the President for approval.

1309. Can a State withdraw its ratification of an amendment to the Constitution?

Congress has decided that it cannot.

1310. In a time of rebellion, is the ratification of a proposed amendment by the Legislatures of three-fourths of the *loyal* States sufficient to make the amendment valid?

Congress has decided by its action that it is.

ARTICLE VI.—NATIONAL DEBTS: SUPREMACY OF NATIONAL LAW: OATH.

Clause I. *"All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation."* [80.]

1311. Define the words "debts," "contracted," "engagements," "entered," "adoption," "Constitution," "valid," and "Confederation."

1312. To what does this clause relate?

To the assumption by the United States of the debts contracted under the Confederation.

1313. Who engaged to pay the debts owed by the United States at the time of the adoption of the Constitution?

1314. Were the debts of the Confederation fully paid under the Constitution?

1315. What is the acknowledged law of nations in reference to a nation's debts when a change takes place in its government?

That the obligation of a nation to pay its debts continues, notwithstanding any changes in its form of government.

1316. Why was it deemed advisable, in adopting the Constitution, to promise to pay the debts contracted under the Confederation?

To allay any fears which might be felt by the public creditors.

1317. What was the amount of the debt of the United States at the time of the adoption of the Constitution?

✓ **Clause II.** *"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."*
[81.]

1318. Define the words "Constitution," "laws," "pursuance," "treaties," "authority," "supreme," "bound," and "contrary."

1319. What two different Constitutions are referred to in this clause?

1320. What difference would it make in the meaning of the clause to place a comma after the second use of the word Constitution?

1321. What does the Constitution declare to be the supreme law of the land?

1322. What provision is made in the Constitution to secure the efficacy of the supreme law of the land?

1323. Are State judges bound by the Constitution of the United States?

1324. Are treaties made by the United States binding upon the several States?

1325. What is the effect of laws made in pursuance of the Constitution of the United States?

1326. Is the supremacy of the National Government over the State Governments distinctly affirmed in the Constitution?

1327. How is Congress guided in its legislation?

By the Constitution only.

1328. How are State Legislatures guided in their legislation?

By the National Constitution; by the laws enacted by Congress; and by their own State Constitutions.

1329. How long is a law of the United States binding?

Until it is repealed, or declared unconstitutional by the proper tribunal.

1330. Has a State ever tried to nullify the laws of the Union?

An attempt was made in South Carolina, in 1832, but the effort was promptly suppressed by President Jackson.

1331. Was the secession of the slave-holding States a violation of the supreme law of the land?

✓ **Clause III.** *"The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States."* [82.]

1332. Define the words "Senators," "Representatives," "executive," "judicial," "bound," "oath," "affirmation," "support," "Constitution," "test," "qualification," "office," and "trust."

1333. Who are required to bind themselves by oath or affirmation to support the Constitution of the United States?

1334. Why are State officers bound to support the Constitution of the United States?

Because the State Governments have a necessary and important agency in carrying the Constitution of the United States into effect.

1335. Give an example of a case in which the action of the State Government is necessary to the operations of the National Government.

The election of United States Senators depends, in all cases, upon the action of the State Legislatures.

1336. What prohibition does the Constitution make in regard to religious tests?

1337. Does the Constitution provide for universal toleration in regard to religion?

1338. Is an oath or affirmation a religious test?

1339. Why is the choice of an oath or affirmation given in the Constitution?

1340. From what offices is a man shut out who refuses to take the oath or affirmation required by the Constitution?

1341. Does the Constitution of the United States prescribe the form of oath or affirmation to be taken by officers other than the President?

No. An act of Congress passed in 1789 prescribed the following oath: "I, A. B., do solemnly swear, or affirm (as the case may be), that I will support the Constitution of the United States."

1342. Has any stronger oath ever been required?

ARTICLE VII.

ESTABLISHMENT OF THE CONSTITUTION.

✓ *"The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same."*

1343. Define the words "ratification," "Conventions," "sufficient," "establishment," "Constitution," and "States."

1344. What was necessary for the establishment of the Constitution?

1345. Would the ratification of the Constitution by only nine States have made it binding upon the other four States?

It would not.

1346. On whom only did the ratification of the Constitution make it binding?

Only upon the States so ratifying it.

1347. By how many of the States was the Constitution ratified before it went into operation?

By eleven.

1348. Which of the States did not adopt the Constitution till after it had gone into operation?

Rhode Island and North Carolina.

1349. What would have been the relations of Rhode Island and North Carolina, if they had finally refused to ratify the Constitution?

It has generally been thought that these two States, and any others which had refused to ratify the Constitution after nine States had done so, would not have been considered independent sovereign States, outside of the Union, but Territories under the Union.

Blackboard Exercise, No. XIII.

CONSTITUTIONAL AND NATIONAL
REGULATIONS.

- | | | |
|-----------------------------------|---|--|
| I. CONSTITUTIONAL
AMENDMENT. | { | 1. <i>Proposal.</i> { a. By Congress.
b. By State Conventions.
2. <i>Ratification.</i>
3. <i>Limitation.</i> { a. Temporary.
b. Permanent. [79.] |
| II. NATIONAL DEBT. | { | [80.] |
| III. NATIONAL LAW. | { | 1. Constitution.
2. Laws under it.
3. Treaties of United States. [81.] |
| IV. OATH OF OFFICE. | { | 1. Members of Congress.
2. Members of State Legislatures.
3. Executive Officers.
4. Judicial Officers. [82.] |
| V. RELIGIOUS TEST. | { | |
| VI. RATIFICATION OF CONSTITUTION. | { | [83.] |





AMENDMENTS TO THE CONSTITUTION.

Note.—The first Twelve Amendments were adopted in a body, immediately after the Constitution went into effect. The first ten were in the nature of a supplement, or Bill of Rights; the eleventh and twelfth were alterations.

ARTICLE I.—FREEDOM OF RELIGION, OF SPEECH, AND OF THE PRESS: RIGHT OF PETITION.

✓ *"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."* [84.]

1350. When were the first ten Amendments proposed?
September 25, 1789.

1351. When were the first ten Amendments ratified?
December 15, 1791.

1352. What is the nature of the first ten Amendments?
They constitute a "Bill of Rights."

1353. What is a "Bill of Rights"?

A statement of the rights deemed most important to the liberty of the people.

1354. Do the first ten and other Amendments have the same force as the original Constitution?

Yes; but Congress decided that they should not be incorporated into the text of the Constitution, but be appended to it, as a series of distinct provisions.

1355. How many Amendments in all have been ratified?

1356. How many Amendments have been proposed but not ratified?

Four. Two of these were proposed by the First Congress; one by the Eleventh; and one by the Thirty-sixth.

1357. What was the object of each of these unratified Amendments?

1358. Does the First Amendment impose any restraint upon the action of the States?

1359. Does any one of the first ten Amendments refer to the States?

1360. Do the State Constitutions contain provisions similar to those of the first ten Amendments?

Yes.

1361. What two prohibitions are placed upon Congress in reference to religion?

1362. How is Congress restricted in regard to freedom of speech and of the press?

1363. What control has Congress over the right of the people to assemble, and petition the Government?

1364. Have we ever had an established religion in the United States?

1365. Is there any direct acknowledgment of God in the Constitution?

1366. Has any effort been made to insert an acknowledgment of God in the Constitution?

1367. Is God recognized in our coinage?

1368. Do legal documents ever contain any recognition of God?

1369. What is meant by freedom of speech or of the press?

The right to speak or publish whatever is not damaging to private rights, and which does not disturb the public peace or tend to overthrow the Government.

1370. Can a man say what he pleases?

1371. Define "slander" and "libel."

1372. How might the right to assemble have been denied to the people without the First Amendment?

Under the pretence of preventing insurrection.

ARTICLE II.—THE RIGHT TO BEAR ARMS.

"A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." [85.]

1373. Define the words "militia," "security," "arms," and "infringed."

1374. When was the Second Amendment proposed?

1375. When was the Second Amendment ratified?

1376. Upon what principle is the Second Amendment based?

1377. What right does the Second Amendment secure?

1378. For whose benefit was the Second Amendment adopted?

1379. What is meant by the right to keep arms?

The right to own and use on the proper occasions warlike weapons.

1380. What led to the adoption of the Second Amendment?

The fear that ambitious men might, by the aid of the regular army, overthrow the liberties of the people and usurp the powers of the Government.

1381. What are some of the advantages of maintaining the militia?

A certain amount of military organization among the people, and a large quantity of arms always on hand.

1382. Does the Second Amendment give the people the right to carry deadly weapons?

ARTICLE III.

QUARTERING OF SOLDIERS IN PRIVATE HOUSES.

"No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law." [86.]

1383. When was the Third Amendment proposed?

1384. When was the Third Amendment ratified?

1385. What is meant by quartering soldiers in a house?

Stationing them there for lodging and subsistence.

1386. Who are included in the word "owner"?

The occupants of the house for the time being, as well as the person to whom the house actually belongs.

1387. Under what circumstances may soldiers be so quartered?

1388. From what did the Third Amendment originate?

From the custom which has often prevailed in times of violence of billeting soldiers upon private citizens, without regard to the rights or conveniences of the latter.

1389. How was this custom complained of in the Declaration of Independence?

1390. Why are soldiers allowed to be so quartered in time of war in a manner prescribed by law?

ARTICLE IV.—SEARCH-WARRANTS.

✓ “*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*” [87.]

1391. Define the words “persons,” “papers,” “effects,” “searches,” “issue,” “cause,” “oath,” and “affirmation.”

1392. When was the Fourth Amendment proposed?

1393. When was the Fourth Amendment ratified?

1394. To what extent are the people secured by the Fourth Amendment?

1395. Against what are the people secured by the Fourth Amendment?

1396. How are warrants legally issued?

1397. What must they contain?

1398. What is the object of the Fourth Amendment?

The protection of the citizens against general and illegal warrants.

1399. What is a search-warrant?

A paper issued by a Court, directing a person's premises to be searched, because it is suspected that there is stolen property there, or property subject to duty.

1400. What is a seizure?

The taking of such property, or the arrest of the person, by an officer regularly appointed for that purpose.

ARTICLE V.—CRIMINAL CHARGES.

✓ “*No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of*

a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." [88.]

1401. Define the words "jeopardy," "process," and "compensation."

1402. When was the Fifth Amendment proposed?

1403. When was the Fifth Amendment ratified?

1404. What is a capital crime?

One which subjects the offender to the punishment of death.

1405. What is an infamous crime?

One that subjects the criminal to the hatred of mankind, and to humiliating punishment more or less severe.

1406. What is a presentment?

An accusation made by the grand jury from their own knowledge or observation, or from evidence presented to them.

1407. What is an indictment?

A formal accusation drawn up by the proper officer charging offences against certain parties.

1408. What is a grand jury?

A body of men, not less than twelve nor more than twenty-three in number, selected as prescribed by law, to make inquiry into all offences committed within the district, and to make presentment of the same.

1409. How are the proceedings of the grand jury usually conducted?

In secret.

1410. Is the accused called to defend himself before the grand jury?

No; nor is he allowed the opportunity to do so.

1411. What is done with the indictment of a grand jury ?

It is delivered to the Court under whose jurisdiction the jury are acting, and a warrant issued for the arrest of the person indicted.

1412. How is the indictment of a grand jury endorsed ?

With the words " A true bill."

1413. Does a presentment always lead to an indictment ?

1414. Are persons brought to trial without an indictment ?

1415. What class of crimes is exempt from this mode of proceeding ?

1416. How are such cases always tried ?

1417. Can a person who has been acquitted or convicted be tried a second time for the same offence ?

1418. Can a person be obliged to testify against himself ?

1419. Against what losses are criminals secured ?

1420. What provision does the Fifth Amendment make concerning private property ?

1421. When is a second trial for the same offence prohibited ?

When, by the verdict of the jury, a man has been regularly acquitted or convicted and judgment has been pronounced.

1422. Under what circumstances can persons be tried again ?

If the jury do not agree, or are discharged before rendering a verdict, or if judgment be arrested after a verdict, or a new trial be granted at the request of the person charged with crime.

1423. What provision is made for the compensation of private property used for public purposes ?

The property is purchased at the price set by the owner, or by a jury selected to assess damages.

ARTICLE VI.—CRIMINAL PROCEEDINGS.

✓ " *In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have com-*

pulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence." [89.]

1424. Define the words "prosecutions," "accused," "jury," "accusation," "confronted," "compulsory," and "counsel."

1425. When was the Sixth Amendment proposed?

1426. When was the Sixth Amendment ratified?

1427. To what does the Sixth Amendment relate?

1428. May the trials of accused persons be delayed?

1429. Are they conducted in private?

1430. By whom shall accused persons be tried?

1431. What provision is made in regard to the district in which accused persons are tried?

1432. Of what has the accused the right to be informed?

1433. What right has an accused person in regard to the witnesses against him?

1434. How is an accused person enabled to obtain witnesses in his favor?

1435. Are all accused persons represented by counsel?

1436. Why should the trial of accused persons be speedy?

To prevent long and unnecessary imprisonment before the trial, and to avoid difficulty in obtaining witnesses.

1437. Why should the trial of accused persons be public?

To insure fairness and impartiality.

1438. What kind of jury is referred to in the Eighth Amendment?

A *petit* jury, consisting of twelve men, against whom no legal objection can be raised.

1439. What is meant by an impartial jury?

A jury made up of persons who have not already formed an opinion of the prisoner's innocence or guilt, and who are willing to be guided in their decision by the evidence offered.

1440. Why is the district from which the jury is selected ascertained by law?

To secure regularity and impartiality in the administration of justice.

1441. How is the accused informed of the nature and cause of the accusation against him?

By an indictment, which is a written accusation, made by the grand jury, on oath, at the request of the Government.

1442. Of what is the *grand jury* composed?

1443. What must the indictment of the grand jury state?

The time, place, nature, and circumstances of the offence.

1444. Can a man be compelled to testify against himself under our Constitution?

1445. Why should the accused be confronted with the witnesses against him?

1446. To what extent is an accused person furnished with the means of obtaining witnesses in his favor?

He has the aid of the Government in compelling their attendance and providing the necessary expense.

1447. What counsel is an accused person entitled to?

A professional lawyer, attorney, or advocate, who understands the examination of witnesses and the defense before the jury.

1448. How is the Sixth Amendment an evidence of the progressiveness of our Government?

There was no such provision in the common law of England, and before the accession of William and Mary, in 1688, persons arrested for a capital crime were entitled neither to witnesses nor counsel.

1449. Is the Sixth Amendment operative in all its provisions where martial law has been proclaimed?

ARTICLE VII.—JURY TRIAL IN CIVIL CASES.

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law." [90.]

1450. Define the words "suits," "controversy," and "jury."

1451. When was the Seventh Amendment proposed?

1452. When was the Seventh Amendment adopted?

1453. To what kind of suits is the Seventh Amendment limited?

1454. What does the Seventh Amendment require?

1455. What does the Seventh Amendment prohibit?

1456. What does the term "common law" include?

Common law includes principles, usages, and rules of action applied to the government and security of persons and property, which do not rest for their authority upon any expressed declaration of the will of the Legislature.

1457. Upon what is common law based?

Upon the sanction of the Courts of justice, without any legislative act or interference.

1458. What is a statute law?

A statute law is a special legislative enactment upon any subject.

1459. Is any provision made in the Constitution for civil actions?

No; this Amendment was intended to supply that deficiency.

1460. What cases are not affected by this Amendment?

Cases tried in Courts of admiralty and maritime jurisdiction, and cases of equity.

1461. Why is the sum of twenty dollars fixed as a limit?

Because matters of less importance would not warrant the expense of a jury trial.

1462. What provision does the Seventh Amendment make for the re-examination of cases?

1463. How are cases which have been tried re-examined?

By a successful motion for a new trial, on cause shown; or by a writ of error, or by appeal to a higher Court.

A R T I C L E V I I I . — E X C E S S I V E P U N I S H M E N T .

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."

1464. Define the words "excessive," "imposed," and "inflicted."

1465. When was the Eighth Amendment proposed?

1466. When was the Eighth Amendment ratified?

1467. To what does the Eighth Amendment relate?

1468. What does the Eighth Amendment prohibit?

1469. For whose benefit was the Eighth Amendment adopted?

1470. What is "bail"?

It here means a sum of money pledged as a surety that an accused person will appear before a Court at the proper time, and stand his trial and its consequences.

1471. What is the writing given in such cases called?

A bail-bond.

1472. What crimes are bailable?

All except those punished by death.

1473. What is a fine?

A fine is the sum of money which a Court compels a person to pay for the commission of a criminal offence or breach of law.

1474. When are fines imposed?

After trial and conviction.

1475. Does the Eighth Amendment apply to the State Governments?

The Courts have decided that it does not.

1476. Was the Eighth Amendment necessary?

1477. What period of the world's history is suggested by the reference to "cruel and unusual punishments"?

1478. Has torture ever been resorted to under our Government?

ARTICLE IX.—RIGHTS OF PEOPLE NOT NAMED.

✓ *"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."* [92.]

1479. Define the words "enumeration," "rights," "construed," and "disparage."

1480. When was the Ninth Amendment proposed?

1481. When was the Ninth Amendment ratified?

1482. To what does the Ninth Amendment relate?

1483. For whose benefit was the Ninth Amendment adopted?

1484. Was it possible to make a complete enumeration of rights in the Constitution?

It was not.

1485. What inference had been drawn from some of the preceding Articles?

That the National Government had the power to do anything which it was not expressly prohibited to do.

1486. What was the object of the Ninth Amendment?

To declare that rights not definitely mentioned are not on that account to be denied to the people.

1487. Was the Ninth Amendment actually necessary?

No; because the Constitution is itself a "Bill of Rights," being founded upon the power of the people.

1488. What rights are always retained by the people?

Such as are not expressly, or by necessary implication, taken away.

ARTICLE X.—POWERS RESERVED TO THE STATES.

✓ *"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." [93.]*

1489. Define the words "delegated" and "respectively."

1490. When was the Tenth Amendment proposed by Congress?

1491. When was the Tenth Amendment ratified by the States?

1492. To what does the Tenth Amendment relate?

1493. What unsuccessful motion was made when the Tenth Amendment was under consideration in Congress?

To insert the word "expressly" before "delegated."

1494. What is the meaning of the Tenth Amendment?

Whatever powers have not been given to the National Government, nor denied to the States, may be exercised by the States.

1495. What powers may States insert in their Constitutions?

Any power not already inserted by the whole people in the Constitution of the United States, and not forbidden by the whole nation to be placed in a State Constitution.

1496. What was the object of the Tenth Amendment?

It was intended to be a rule of interpretation, in all cases of doubtful right, between State and National authority.

1497. Are all the powers of the National Government expressed in the Constitution?

They are not.

1498. Give examples.

The power to provide for the general welfare, and the power to regulate commerce.

1499. What does a power conferred always imply?

The right to adopt all the means necessary to make such power effective.

Article XI., being an amendment limiting in a certain case the jurisdiction of the Judiciary, was treated of under that head. [68.]

Article XII., being an amendment in regard to the mode of electing President and Vice-President, was treated of under the head of the Executive Department. [55.]

ARTICLE XIII.—ABOLITION OF SLAVERY.

✓ **Section I.** *“Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.”*

Section II. *“Congress shall have power to enforce this article by appropriate legislation.”* [98.]

1500. Define the words “involuntary,” “convicted,” and “jurisdiction.”

1501. When was the Thirteenth Amendment transmitted to the States by Congress?

January 31, 1865.

1502. When was the Thirteenth Amendment ratified by the States?

1503. To what does the Thirteenth Amendment relate?

1504. What does the Thirteenth Amendment prohibit?

1505. What exception does the Thirteenth Amendment contain?

1506. Does the Thirteenth Amendment apply to Territories as well as States?

1507. Does the word *slavery* occur in any other clause of the Constitution?

1508. How is the idea expressed in other places?

1509. Had any Amendment been previously proposed by Congress in reference to the abolition of slavery?

Yes; an Amendment was proposed, but not ratified, which prohibited Congress from interfering with the domestic institutions of any State, including that of persons held to labor or service by the laws of the said State.

1510. When was slavery abolished in the District of Columbia?

April 16, 1862.

1511. When was slavery abolished in the Territories?

June 19, 1862.

1512. When did the President proclaim all slaves in seceded States to be free?

January 1, 1863.

1513. Were the slave-holders paid for the slaves who were freed?

1514. Were slaves enlisted as soldiers during the Civil War?

1515. Name the slave-holding States.

1516. Was it necessary to give Congress special power to enforce the Thirteenth Amendment?

No. Congress had the same power to enforce this as any other provision of the Constitution.

ARTICLE XIV.

Section I.—Civil Rights.

Section I. *"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."* [99.]

1517. Define the words "naturalized," "subject," "jurisdiction," "immunities," and "process."

1518. Of what Amendment is this clause a part?

1519. When was the Fourteenth Amendment proposed by Congress?

June 16, 1866.

1520. When was the Fourteenth Amendment declared to be a part of the Constitution?

July 21, 1868, by the action of Congress.

1521. How does the Fourteenth Amendment define a citizen?

1522. What three things does the Fourteenth Amendment prohibit the States from doing?

1523. What was the object of the Fourteenth Amendment?

To make sure the citizenship of those who had been recently freed from slavery.

1524. Was this really necessary?

It was thought by some that as aliens become citizens by naturalization, so slaves become citizens by emancipation, and that the Civil Rights Bill conferred upon freedmen all the rights, and made them liable to all the obligations of citizens.

1525. When was the Civil Rights Bill passed?

In April, 1866.

1526. Is the language of the Fourteenth Amendment limited to the protection of the colored population?

1527. How have the provisions of the Fourteenth Amendment been enforced?

By an act passed in April, 1871.

1528. What was this act entitled?

It was styled an act to secure the proper enforcement of the provisions of the Fourteenth Amendment.

1529. Why was this act passed?

In consequence of the failure of some of the States to afford to citizens the protection required by the Constitution.

1530. What does this act provide?

That in case any portion or class of the people, through unlawful combinations or conspiracies in any State, are deprived of their rights, and the State authorities are unable or refuse to afford protection, this shall be deemed a denial by the State of the equal protection of the laws required by this Amendment.

1531. What has been the result of this act?

The President suspended the writ of *habeas corpus* in certain counties, and suppressed combinations.

1532. Name some of the privileges secured to colored persons by the Fourteenth Amendment which they did not enjoy before its adoption.

Section II.—Apportionment of Representatives.

✓ **Section II.** "*Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens, twenty-one years of age, in such State.*" [100.]

1533. Define the words "apportioned," "Electors," and "citizens."

1534. Of what Amendment is this clause a part?

1535. To what does this clause of the Fourteenth Amendment relate?

1536. How were Representatives apportioned before the adoption of the Fourteenth Amendment?

1537. What led to the adoption of the clause amending the apportionment of Representatives?

The abolition of slavery.

1538. How had slaves been counted in the apportionment of Representatives?

1539. What was the object of the clause amending the apportionment of Representatives?

To prevent the former slave States from having larger

delegations in Congress in proportion to the number of voters than the original free States.

1540. Does the clause amending the apportionment of Representatives require the States to allow negroes the right of suffrage?

1541. What does this clause imply the condition of suffrage to be?

That all male inhabitants who are citizens, and twenty-one years of age, may vote.

1542. Can States prescribe other qualifications?

Yes; such as the ability to read and write, or the possessor of a certain amount of property.

1543. Does this Amendment establish the principle of woman suffrage?

1544. Does the conferring of citizenship confer the right of voting?

1545. Are women allowed to vote in any of the States or Territories?

1546. Are women ever voted for as candidates for office?

1547. What provision has been made for the enforcement of this Amendment?

An act of Congress passed February 2, 1872.

Section III.—Political Disabilities.

Section 3. *“No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.” [101.]*

1548. What is the object of this clause?

To prevent National and State officers who had sworn to support the Constitution, and then engaged in rebellion, from again holding office.

1549. How could this disability be removed?

1550. Would not the President's power to grant pardons include such cases?

1551. When was the President first authorized to issue proclamations of amnesty?

July 17, 1862.

1552. By what President was this done?

1553. Was it afterwards done by any other President?

Yes; by President Johnson.

1554. When was such authority withdrawn by Congress?

In January, 1867.

1555. Was this withdrawal respected?

No. President Johnson issued other proclamations, even after the ratification of the Fourteenth Amendment.

1556. Were such proclamations legal?

1557. Does the Fourteenth Amendment repeal the President's pardoning power so far as it applies to the cases named in it?

1558. How else have the disabilities mentioned in this clause been removed?

By separate acts of Congress applied to persons mentioned by name.

1559. What general act was passed by Congress in 1872?

An act removing such disabilities from all except Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses; judicial, military, and naval officers of the United States; heads of Departments, and Foreign Ministers of the United States.

1560. Are these classes still excepted?

1561. Name persons whose disabilities were removed, and who afterwards held State or National offices.

Section IV.—Public Debt.

✓ **Section 4.** *"The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions, and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation*

incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be held illegal and void.

✓ **Section 5.** “*Congress shall have power to enforce, by appropriate legislation, the provisions of this article.*” [102.]

1562. To what debt does this clause particularly refer?

The debt incurred in suppressing the Civil War.

1563. To what else does it relate?

To all public debts of the United States.

1564. What prohibition does this clause contain?

1565. Is the prohibition confined to any particular rebellion or insurrection?

1566. Why was this measure adopted?

As a security against the action of those who had again been admitted to the State and National Legislatures.

1567. Was the debt of the Southern Confederacy ever paid?

1568. Have its bonds any marketable value?

1569. What is the present amount of the debt of the United States?

1570. How is it secured?

ARTICLE XV.—RIGHT OF SUFFRAGE.

✓ **Section 1.** “*The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.*”

✓ **Section 2.** “*Congress shall have power to enforce this article by appropriate legislation.*” [103.]

1571. To what does the Fifteenth Amendment relate?

1572. When was the Fifteenth Amendment proposed by Congress?
February 27, 1869.

1573. When was the Fifteenth Amendment ratified?

March 30, 1870.

1574. Was the right of suffrage intended to be secured by any previous Amendment?

1575. Why was the right of suffrage extended to the colored race? Because it was considered necessary for their safety and for the prosperity of the nation.

1576. What is the difference between the Fourteenth and Fifteenth Amendments?

The Fourteenth Amendment declared the colored race to be citizens, and in this way gave them civil rights; while the Fifteenth secures them suffrage, and thus bestows upon them political rights.

1577. Does the Fifteenth Amendment imply that all citizens possess the right to vote?

1578. Can the right to vote be denied for any other reasons than those mentioned in the Fifteenth Amendment?

1579. Could educational or property qualifications be justly required, if such qualifications affected all voters alike?

1580. Does the Fifteenth Amendment establish universal suffrage?

1581. Does the right to vote imply the right to be voted for?

1582. Are the qualifications of voters defined by the States, or by the National Government?

1583. Distinguish between naturalization and the right to vote.

1584. Are States required to give naturalized foreigners the right to vote?

1585. Do any States allow aliens to vote?

1586. Give instances of the election of colored persons to National or State offices.

1587. What were the 13th, 14th, and 15th Amendments the result of?

The Civil War.

1588. What effect did they have?

They raised the negro to a legal equality with the white man.

1589. How do the last three Amendments differ from the others?

They are binding on the *States* as well as on the National Government.

1590. How has the Fifteenth Amendment been enforced?

In May, 1870, Congress passed a stringent law "to enforce the right of the citizens of the United States to vote."

Blackboard Exercise, No. XIV.

PERSONAL RIGHTS.

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|---------------------------------|------------------------|------------------------------------|---|
| { | I. POPULAR RIGHTS. | { | 1. Freedom of Religion. |
| | | | 2. Freedom of Speech. |
| | | | 3. Freedom of Press. |
| | | | 4. Right to Assemble. |
| | | | 5. Right of Petition. [84.] |
| | II. RIGHT OF SECURITY. | { | 1. By Militia. [85.] |
| | | | 2. Against billeted Soldiery. [86.] |
| | | | 3. Against Searches and Seizures. [87.] |
| 4. Illegal Warrants. [87.] | | | |
| III. JUDICIAL RIGHTS. | { | 1. Indictment. | 1. Jury Trial. |
| | | 2. Exception. | 2. Accusation. |
| | | 3. Second Trial. | 3. Witnesses. |
| | | 4. Self-Accusation. | 4. Counsel. |
| | | 5. Deprivation. | 5. Jurisdiction. |
| | | 6. Confiscation. [88.] | 6. Re-examination. |
| | | 7. Bail. [89.] | |
| IV. RESERVED RIGHTS. [92.] | | | |
| V. RESERVED POWERS. [93.] | | | |
| VI. ABOLITION OF SLAVERY. [98.] | | | |
| VII. RIGHT OF CITIZENSHIP. | { | 1. Definition. | |
| | | 2. State Obligations. [99.] | |
| | | 3. Basis of Representation. [100.] | |
| | | 4. Disability of Officers. [101.] | |
| | | 5. Public Debt. [102.] | |
| VIII. RIGHT OF SUFFRAGE. [103.] | | | |

Blackboard Exercise, No. XV.

REVIEW OF THE CONSTITUTION.

THE ENACTING CLAUSE.

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|---|---------------------------------------|---|--|
| { | ARTICLE I.
LEGISLATIVE DEPARTMENT. | { | 1. House of Representatives. |
| | | | 2. Senate. |
| | | | 3. Both Houses. |
| | | | 4. The Houses Separately. |
| | | | 5. Privileges and Disabilities of Members. |
| | | | 6. Mode of Passing Laws. |
| | | | 7. Powers granted to Congress. |
| | | | 8. Powers denied to U. S. |
| | | | 9. Powers denied to States. |

ARTICLE II.
EXECUTIVE DEPARTMENT.

1. President and Vice-President.
2. Powers of the President.
3. Duties of the President.
4. Impeachment of the President.

ARTICLE III.
JUDICIAL DEPARTMENT.

1. United States Courts.
2. Jurisdiction.
3. Treason.

ARTICLE IV.
STATES AND TERRITORIES.

1. State Records.
2. Privileges of Citizens.
3. New States and Territories.
4. Guarantee to the States.

ARTICLE V. POWER OF AMENDMENT.

ARTICLE VI.
GENERAL PROVISIONS.

1. Public Debt.
2. Supremacy of Constitution.
3. Oath of Office.
4. Religious Test.

ARTICLE VII. RATIFICATION OF THE CONSTITUTION.

AMENDMENTS.

1. Freedom of Religion, Speech, and Press.
2. Right to bear Arms.
3. Quartering soldiers on citizens.
4. Search-Warrants.
5. Trials for Crime.
6. Rights of Accused Persons.
7. Suits at Common Law.
8. Excessive Bail.
9. Reserved Rights and Powers.
10. Abolition of Slavery.
11. Civil Rights.
12. Apportionment of Representatives.
13. Political Disabilities.
14. Public Debt.
15. Right of Suffrage.





DEPARTMENT OFFICERS AND DUTIES.

1591. How many Heads of Departments are there?

There are seven Heads of Departments.

1592. How are the Heads of Departments appointed?

They are appointed by the President, by and with the consent of the Senate.

1593. Are the Departments of Government defined in the Constitution?

These Departments are not defined in the Constitution, but it takes their establishment for granted.

1594. By what names are the Heads of Departments called?

The Heads of Departments are called the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster-General, and the Attorney-General. There is also a Commissioner of Agriculture.

1595. What are Bureaus?

Bureaus are the subordinate or special departments into which the main departments are divided for the proper classification and transaction of different kinds of business claiming attention.

1596. When was the Department of State established?

The Department of State was created by the Act of September 15, 1789, previous to which it was called the Department of Foreign Affairs.

1597. How does the Secretary of State rank?

The Secretary of State is usually considered as ranking next to the President of the United States.

1598. What are the duties of the Secretary of State?

The Secretary of State is charged, under the direction of the President, with the correspondence concerning public Ministers and Consuls, and the representatives of foreign powers, and negotiations relating to the foreign affairs of the United States. He is also the medium of correspondence between the President and the chief executives of the several States; he has charge of the national seal, and countersigns and affixes such seal to all executive proclamations, to commissions, warrants, and extradition papers. He is also the custodian of treaties and the laws, grants and issues passports, publishes the laws and resolutions of Congress, amendments to the Constitution, and proclamations declaring the admission of new States into the Union. He is also charged with certain annual reports to Congress relating to commercial information received from diplomatic and consular officers.

1599. How is the Secretary of State assisted?

The Secretary of State has an Assistant, who becomes Acting-Secretary of State in the absence of his chief. There are also Second and Third Assistants, and a Chief Clerk.

1600. What is the salary of the Secretary of State?

He receives a salary of eight thousand dollars a year. The other members of the Cabinet receive the same salary.

1601. Who is the present Secretary of State?

1602. When was the Treasury Department established?

The Treasury Department was established in 1789.

1603. What is the salary of the Secretary of the Treasury?

1604. What are the duties of the Secretary of the Treasury?

He has charge of the national finances. He digests and prepares plans for the improvement and management of the revenue and support of the public credit; he superintends the collection of the revenue, and prescribes the form of keeping and rendering all public accounts, and making re-

turns; grants all warrants for money to be issued from the Treasury, in pursuance of appropriations by law; makes report and gives information to either branch of Congress, as may be required, respecting all matters referred to him by the Senate or House of Representatives; controls the erection of public buildings, the coinage, printing, and engraving of money, the collection of commercial statistics, the marine hospitals, the revenue-cutter and the life-saving service. Under his direction the Light-house Board discharges the duties relative to the construction, illumination, inspection, and superintendence of light-houses, light-vessels, beacons, buoys, sea-marks, and their appendages; makes provision for the payment of the public debt under enactments of Congress, and publishes statements concerning it, and submits to Congress, at the commencement of each session, estimates of the probable receipts, and of the required expenditures for the fiscal year.

1605. How is the Secretary of the Treasury assisted?

The Secretary of the Treasury has the aid of two Assistants, a First and Second Comptroller, and six Auditors.

1606. What are the duties of the Treasurer of the United States?

The Treasurer of the United States is charged with the custody of all public moneys received at the Treasury at Washington, or in the Sub-Treasuries at Boston, New York, Philadelphia, Baltimore, Charleston, Cincinnati, St. Louis, and San Francisco, or in the depositories and depository banks; disburses all public moneys upon the warrants of the Secretary of the Treasury, and upon the warrants of the Postmaster-General; issues and redeems Treasury notes; is agent for the redemption of the circulating notes of National banks, and of bonds held as security for public deposits; is custodian of Indian trust funds; is agent for paying the interest of the public debt, and the salaries of the members of the House of Representatives.

1607. What are the principal officers connected with the United States Treasury?

The principal officers of the United States Treasury, besides the Treasurer, are the Register of the Treasury, the Comptroller of the Currency, the Solicitor, the Commissioner of Internal Revenue, and the Superintendent of the Coast Survey.

1608. Who is the present Secretary of the Treasury?

1609. When was the War Department created?

The War Department, as created by Act of Congress, August 7, 1789, had also the superintendence of Naval Affairs. A separation took place in April, 1798, when a Navy Department was established.

1610. What are the duties of the Secretary of War?

He performs such duties as the President of the United States, who is Commander-in-Chief, may enjoin upon him concerning military service, and has the superintendence of the purchase of army supplies, transportation, etc.

1611. How is the Secretary of War assisted in the performance of his duties?

The Secretary of War is assisted by a Chief Clerk and the chiefs of the military bureaus, who are officers of the regular army, and part of the military establishment. These officers are the Adjutant-General, the Inspector-General, the Quartermaster-General, the Commissary-General, the Surgeon-General, the Paymaster-General, the Chief of Engineers, the Chief of Ordnance, the Judge-Advocate General, and the Chief Signal officer; the appropriate duties of each officer being indicated by his title.

1612. What is the salary of the Secretary of War?

1613. Who is the present Secretary of War?

1614. Where is the United States Military Academy?

1615. When was the Department of the Navy established?

The Department of the Navy was established by Act of Congress, April 30, 1798.

1616. What are the duties of the Secretary of the Navy?

The Secretary of the Navy performs such duties as the President of the United States, who is Commander-in-Chief of the Navy, may assign him; and has the general super-

vision of the construction, manning, armament, equipment, and employment of vessels of war.

1617. How is the Secretary of the Navy assisted in the performance of his duties?

He has the assistance of a Chief Clerk, and various other Chiefs of Bureaus, who are officers of the United States Navy, and a part of the naval establishment.

1618. What is the salary of the Secretary of the Navy?

1619. Who is the present Secretary of the Navy?

1620. Locate the United States Navy-Yards.

1621. Where is the United States Naval Academy?

1622. When was the Department of the Interior established?

The Department of the Interior was established by Act of Congress, March 3, 1849.

1623. What is the chief officer of the Department of the Interior called?

The chief officer of the Department of the Interior is called the Secretary of the Interior.

1624. What are the duties of the Secretary of the Interior?

The Secretary of the Interior is charged with the supervision of public business relating to patents and inventions; pensions and bounty-lands; the public lands, including mines; the Indians, education, the census, when directed by law; the custody and distribution of public documents; and certain hospitals and institutions in the District of Columbia. He also exercises certain powers and duties in relation to the Territories of the United States.

1625. How is the Secretary of the Interior assisted?

The Secretary of the Interior has an Assistant Secretary and Chief Clerk, and also a Commissioner of Patents, a Commissioner of Pensions, a Commissioner of the General Land Office, a Commissioner of Indian Affairs, a Commissioner of Education, and a Superintendent of the Census.

1626. What is the salary of the Secretary of the Interior?

1627. Who is the present Secretary of the Interior?

1628. When was the Post-Office Department established?

The Post-Office Department was continued by an Act of

Congress passed September 22, 1789, which provided for the temporary establishment of the Post-Office, the regulations to be the same as they last were under the resolutions and ordinances of the late Continental Congress. In 1792, an act was passed to establish a general Post-Office. This act was limited to two years. In 1794, a similar act was passed, which has no limitation of time.

1629. Who is the principal officer of the Post-Office Department?

The affairs of the Post-Office Department are under the direction of the Postmaster-General.

1630. What are the duties of the Postmaster-General?

The Postmaster-General has the direction and management of the Post-Office Department. He appoints all officers and employés of the Department, except the three Assistants of the Postmaster-General, who are appointed by the President, by and with the advice and consent of the Senate; appoints all Postmasters whose compensation does not exceed one thousand dollars; makes postal treaties with foreign Governments, by and with the advice and consent of the President; awards and executes contracts, and directs the management of the domestic and foreign mail service.

1631. What is the salary of the Postmaster-General?

1632. When was the Postmaster-General first recognized as a member of the Cabinet?

The Postmaster-General was first admitted to meetings of the Cabinet in the year 1829, under the administration of President Jackson.

1633. Why is the office of Postmaster-General a peculiarly important one?

1634. Who is the present Postmaster-General?

1635. When was the Department of Justice established?

The Department of Justice was created by act of Congress, June 22, 1870.

1636. When was the office of Attorney-General created?

The office of Attorney-General was created in 1789; and this officer without a "Department" has always been recognized as a member of the Cabinet.

1637. How were the duties of the Attorney-General defined by the Act of 1789?

By Act of September 24, 1789, it was made the duty of the Attorney-General to prosecute and conduct all suits in the Supreme Court in which the United States should be concerned, and to give his advice and opinion upon questions of law when required by the President, or when requested by the Heads of the Departments touching any matters concerning their Departments.

1638. What are the present duties of the Attorney-General?

At present the Attorney-General is the Head of the Department of Justice, and the chief law officer of the Government. He represents the United States in matters involving legal questions. He gives his advice and opinion on questions of law when they are required by the President or the Heads of the other Executive Departments, on questions of law arising upon the administration of their respective Departments; he exercises a general superintendence and direction over United States Attorneys and Marshals in all judicial districts in the States and Territories; and he provides special counsel for the United States whenever required by any Department of the Government.

1639. How is the Attorney-General assisted?

The Attorney-General is assisted by a Chief Clerk, a Law Clerk, a Solicitor-General, and two Assistant Attorneys-General.

1640. What is the salary of the Attorney-General?

1641. Who is the present Attorney-General?

1642. When was the Department of Agriculture established?

The Department of Agriculture was established at Washington in 1862.

1643. What is the object of the Department of Agriculture?

Its object is to acquire and diffuse among the people at large useful facts concerning agriculture.

1644. What is the chief officer of the Department of Agriculture styled?

The chief officer of the Department of Agriculture is called the Commissioner of Agriculture.

1645. What are the duties of the Commissioner of Agriculture?

The Commissioner of Agriculture is required to collect and diffuse useful information on the subject of agriculture. He is to acquire and preserve in his office all the facts he can obtain concerning agriculture by means of books and correspondence, and other appropriate means; to collect new and valuable seeds and plants; to learn by actual cultivation such of them as may require tests; to propagate such as may be worthy of propagation, and to distribute them among agriculturists.

1646. How is the Commissioner of Agriculture assisted?

The Commissioner of Agriculture is assisted by a Statistician, an Entomologist, a Botanist, a Chemist, and a Microscopist. He also has a propagating garden, a storehouse for seeds, and a library.

1647. What is the salary of the Commissioner of Agriculture?

The Commissioner of Agriculture receives a salary of three thousand dollars a year.

1648. Who is the present Commissioner of Agriculture?

Blackboard Exercise, No. XVI.

DEPARTMENT OFFICERS.

- I. The State Department.
- II. The Treasury Department.
- III. The War Department.
- IV. The Navy Department.
- V. The Department of the Interior.
- VI. The Post-Office Department.
- VII. The Department of Justice.
- VIII. The Department of Agriculture.

PRACTICAL OPERATION OF THE CONSTITUTION.

TABLE OF THE PRESIDENTS AND VICE-PRESIDENTS.

NO.	PRESIDENT.	STATE.	BORN.	DIED.	TERM OF OFFICE.	VICE-PRESIDENT.
1	George Washington...	Virginia	1732	1799	Two terms; 1789-1797.....	John Adams.
2	John Adams.....	Massachusetts	1735	1826	One term; 1797-1801.....	Thomas Jefferson.
3	Thomas Jefferson.....	Virginia	1743	1826	Two terms; 1801-1809.....	Aaron Burr.
4	James Madison.....	Virginia	1751	1836	Two terms; 1809-1817.....	George Clinton.
5	James Monroe.....	Virginia	1758	1831	Two terms; 1817-1825.....	Elbridge Gerry.
6	John Quincy Adams.	Massachusetts	1767	1848	One term; 1825-1829.....	Dan'l D. Tompkins.
7	Andrew Jackson.....	Tennessee.....	1767	1845	Two terms; 1829-1837.....	John C. Calhoun.
8	Martin Van Buren...	New York.....	1782	1862	One term; 1837-1841.....	John C. Calhoun.
9	William H. Harrison	Ohio.....	1773	1841	One month; 1841.....	Martin Van Buren.
10	John Tyler.....	Virginia	1773	1862	One term; 1841.....	Richard M. Johnson.
11	James K. Polk.....	Tennessee.....	1795	1849	One term; 1845-1849.....	John Tyler.
12	Zachary Taylor.....	Louisiana.....	1784	1850	1 yr. and 4 months; 1849, 1850..	George M. Dallas.
13	Millard Fillmore.....	New York.....	1800	1874	2 yrs. and 8 months; 1850-1853..	Millard Fillmore.
14	Franklin Pierce.....	N. Hampshire	1804	1869	One term; 1853-1857.....	William R. King.
15	James Buchanan.....	Pennsylvania	1791	1868	One term; 1857-1861.....	J. C. Breckinridge.
16	Abraham Lincoln.....	Illinois.....	1809	1865	1 term and 1 month; 1861-1865..	Hannibal Hamlin.
17	Andrew Johnson.....	Tennessee.....	1808	1875	3 yrs. and 11 months; 1865-1869..	Andrew Johnson.
18	Ulysses S. Grant.....	Illinois.....	1822	.....	Two terms; 1869-1877.....	Schuyler Colfax.
19	Rutherford B. Hayes	Ohio.....	1822	.....	One term; 1877-1881.....	Henry Wilson.
20	James A. Garfield....	Ohio.....	1831	1881	Six months and 15 days.....	Wm. A. Wheeler.
21	Chester A. Arthur....	New York.....	1830	.....	3 yrs., 5 months, 15 days.....	Chester A. Arthur.

1649. What is meant by an "administration"?

By an administration we understand the management of the affairs of the Government.

1650. What officers are usually included in a statement of the successive administrations of our Government?

The officers usually named as connected with the administrations of our Government are the President, Vice-President, and the members of the Cabinet.

1651. How many administrations have there been under our Government?

1652. How many years has each administration of our Government covered?

1653. When does each new administration begin?

1654. Which President was twice elected unanimously?

1655. When was Washington sworn into office?

1656. Name the first President elected by the House of Representatives.

1657. Name the second President elected by the House of Representatives.

1658. Name the first President who died while in office.

1659. Name the first Vice-President who succeeded to the Presidency.

1660. Name the second President who died while in office.

1661. Name the second Vice-President who succeeded to the Presidency.

1662. Name the third President who died while in office.

1663. Name the third Vice-President who succeeded to the Presidency.

1664. Name the fourth President who died while in office.

1665. Name the fourth Vice-President who succeeded to the Presidency.

1666. Who is the present President of the United States?

1667. Who is the present Vice-President of the United States?

1668. What are the duties of the Vice-President of the United States?

The Vice-President of the United States is President of the Senate; gives the casting vote when the Senate is equally divided, and signs all bills passed by the Senate.

1669. Is there any provision in the Constitution, or by statute, for filling a vacancy in the office of Vice-President?

No provision is made in the Constitution or by law for filling a vacancy in the office of Vice-President.

1670. At what time in our history have we had no Vice-President?

1671. What person elected Vice-President died before taking the oath of office?

1672. What is the salary of the Vice-President? *Ans.* \$8000.

1673. What is the presiding officer of the Senate called?

1674. What is the salary of the presiding officer of the Senate?

The presiding officer of the Senate receives a salary of eight thousand dollars a year.

1675. In the absence of the Vice-President, who presides over the Senate?

The Senate elects a President *pro tempore* to preside over their deliberations in the absence of the Vice-President.

1676. What salary does the President *pro tempore* of the Senate receive? *Ans.* \$5000.

1677. Who is the present President *pro tempore* of the Senate?

1678. Into how many classes may the Committees of the Senate be divided?

The Committees of the Senate are of three kinds, viz.: Standing Committees, Select Committees, and Joint Committees.

1679. Name some of the Standing Committees of the Senate.

The Standing Committees of the Senate are those on Privileges and Elections, Foreign Relations, Finance, Appropriations, Commerce, Manufactures, Agriculture, Military Affairs, Naval Affairs, Judiciary, Post-Offices and Post-Roads, Public Lands, Private Land Claims, Indian Affairs, Pensions, Revolutionary Claims; Claims on District of Columbia, Patents, Territories Railroads, Mines and Mining, Revision of the Laws of the United States, Education and Labor, Civil Service and Retrenchment; Committee to Audit and Control the Contingent Expenses of the Senate; Committee on Engrossed Bills, and the Committee on Rules.

1680. Why are the Select Committees of the Senate appointed?

The Select Committees of the Senate are appointed for

special purposes, not included in the list of regular Standing Committees.

1681. Give an example of a Select Committee in the Senate.

In the Forty-Fifth Congress, a Select Committee was appointed to take into consideration the state of the law respecting the ascertaining and declaring the result of the election of President and Vice-President.

1682. What are meant by the Joint Committees of the Senate?

The Joint Committees of the Senate are those which have power to act concurrently with a committee of the same kind in the House of Representatives.

1683. Name some of the Joint Committees of the Senate.

The Joint Committees of the Senate are such as the Committees on Public Printing, Enrolled Bills, Library, Public Buildings and Grounds.

1684. How are Committees usually chosen in the Senate?

Senate Committees are usually chosen by ballot.

1685. Of how many members does a Standing Committee of the Senate usually consist?

Standing Committees of the Senate usually consist of seven members.

1686. What is the presiding officer of the House of Representatives called?

The presiding officer of the House of Representatives is called the Speaker.

1687. What was the origin of the title of Speaker as applied to the presiding officer of the House of Representatives?

The title of Speaker had its origin in the custom of a response or speech, when the presiding officer was addressed by the President or Chief Executive of the nation. As he spoke on behalf of the whole body, he was called their Speaker.

1688. What are the duties of the Speaker of the House of Representatives?

The Speaker of the House of Representatives signs all

bills and resolutions passed by the House, and under the rules of the House appoints its committees.

1689. When does the Speaker of the House of Representatives act as President of the United States?

1690. How does the Speaker of the House of Representatives vote?

He *must* vote in case of a ballot, and he *may* vote in other cases.

1691. What is the salary of the Speaker of the House of Representatives?

The Speaker of the House of Representatives receives a salary of eight thousand dollars a year.

1692. Who is the present Speaker of the House of Representatives?

1693. Into how many classes are the Committees of the House of Representatives divided?

The House of Representatives, like the Senate, has Standing, Select, and Joint Committees. The Standing Committees are substantially the same as those of the Senate, and the Select Committees, as the name indicates, are appointed to consider special subjects or classes of subjects brought to the notice of the House.

1694. What are the Joint Committees of the House of Representatives?

Joint Committees are those appointed to act in conjunction with similar committees appointed by the Senate, and are known by the same names.

1695. Of how many members does a Standing Committee in the House of Representatives usually consist?

Standing Committees in the House of Representatives usually consist of from nine to thirteen members.

1696. What Committee is peculiar to the House of Representatives?

The Committee of Ways and Means is peculiar to the House of Representatives, because all bills for raising revenue must originate in the House.

1697. Why is the Committee of Ways and Means regarded as the most important of all the Congressional Committees?

It is regarded as the most important because it has con-

trol of immense financial interests. Its Chairman is regarded as next in honor to the Speaker of the House.

1698. How does the House of Representatives resolve itself into a Committee of the Whole?

The Speaker vacates the chair and another presiding officer is appointed.

1699. What is the advantage of a Committee of the Whole?

In a Committee of the Whole, the legislative body has an opportunity for free discussion, without the restraint of the regular rules of the body.

1700. How often are bills, introduced into either House of Congress, read?

A bill introduced into either House of Congress is supposed to be read three times, and at each reading the House takes some formal action. If no objection be made, a bill may be read twice by its title, and then be referred or ordered to be printed.

1701. When is a bill engrossed?

When a bill has been reported back from the committee to which it was ordered to be referred, it is ordered to be engrossed and read a third time; after which a vote is taken upon its passage.

1702. When is a bill enrolled?

After having successfully passed both Houses of Congress, a bill is enrolled on parchment, and, after having been carefully examined by a committee appointed for that purpose, it is signed by the Speaker of the House and the President of the Senate, and is sent to the President of the United States for his signature.





STATE GOVERNMENTS.

1703. Name the original States.

1704. Name the admitted States.

1705. What is a State ?

A State is a district of country with well-established boundaries, having a separate government, subordinate to the National Government, and confederated with other States, as one of the members or States of the American Union.

1706. What is a State Constitution ?

A State Constitution is an agreement or contract subordinate to the National Constitution, in which each member of the State binds himself to the whole, and the whole bind themselves to each one, that all shall be governed by certain laws and regulations for the common good.

1707. What is a Delegate ?

A Delegate is a person appointed by a person or a number of persons to transact their business.

1708. What is a Convention ?

A Convention is an assembly of delegates organized for the transaction of business.

1709. How are State Constitutions adopted ?

State Constitutions are framed by a convention called for that purpose, and are adopted by the vote of the people.

1710. Can State Constitutions be amended ?

State Constitutions usually provide for their own amendment, and such amendments are generally proposed and passed by the State Legislature, and afterwards adopted by the people.

1711. What is the right of suffrage?

The right of suffrage is the right to vote.

1712. What is an Elector?

Electors are those who have the right of suffrage.

1713. What are the qualifications of Electors?

Electors must be twenty-one years of age, are generally required to be of the male sex, and must have resided within the State for a specified time. Aliens, criminals, idiots, lunatics, and paupers have no right to vote. There is generally no property qualification, and nowhere any distinction of color.

1714. Why are States divided into districts, counties, and towns or townships?

States are divided into districts, counties, and towns or townships, for convenience and to secure a better exercise of political power.

1715. When are State elections held?

State elections are generally held in October or November.

1716. What are Inspectors of elections?

Inspectors of elections are persons appointed by law to preserve order, regularity, and fairness in the business of elections. They are sometimes called judges of elections.

1717. What are polls?

By polls are meant elections, or the place where elections are held. Poll is a Saxon word which once meant a head, and now means a person.

1718. What is meant by challenging a vote?

If objection be made to the depositing of a vote on the score of age, residence, or citizenship, the vote is said to be challenged.

1719. What is meant by registration?

Registration is the making of lists of those qualified to vote, to be referred to on election day. In this way much illegal voting is prevented.

1720. What is meant by canvassing votes?

The counting and comparing of votes after the closing of the polls is called canvassing the votes. The term is also sometimes applied to the examination or sifting of the opinions of voters before an election.

1721. How are candidates for office elected in most of the States?

In most of the States, candidates for office are elected by a plurality of votes.

1722. How are the powers of State Governments divided?

The powers of State Governments are divided into three departments—the legislative, executive, and judicial. These correspond in their definitions and functions to similar departments of the National Government.

1723. How are the State Legislatures constituted?

The Legislatures of all the States are composed of two houses—a Senate and House of Representatives, sometimes known as the upper and lower houses, and together called the General Assembly.

1724. What is the general character of a State Senate?

The State Senate generally consists of from twenty-five to fifty members, chosen by the people for one, two, three, or four years, sometimes divided into classes, apportioned among the different counties of the States, and elected by districts.

1725. What is the general character of a State House of Representatives?

The State House of Representatives is also elective, consisting of from one to two hundred members, chosen by the people for a term of one or two years, apportioned among the different counties, and elected in districts.

1726. What are the general qualifications of members of the State Senate and House of Representatives?

Members of the State Senate and House of Representatives are required to be qualified electors, of a specified age,

and fixed terms of residence, differing somewhat in the various States.

1727. How often do the various State Legislatures meet?

1728. How are the State Legislatures organized?

By the election of a presiding officer for each branch, usually called the Speaker, the Lieutenant-Governor generally presiding over the Senate; a President *pro tempore*, a secretary or clerk, sergeant-at-arms, and other necessary minor officers.

1729. What is the usual manner of enacting laws in the State Legislatures?

The manner of enacting laws in the State Legislatures corresponds in the main with that of the National Legislature. Rules are adopted by each Legislature. The Governor recommends measures in his message, others are brought to the notice of the Legislature by petitions. Standing and special or select committees are appointed, and bills are read, discussed, and passed as in Congress, and the Governor has a limited veto.

1730. Into what two classes may the executive officers of the States be divided?

The executive officers of the States may be divided into two classes—those whose duties relate to the whole State, and who have their offices at the capital, such as the Governor; and those whose duties are limited to a portion of a State, and who have their offices in various districts, such as the sheriffs.

1731. What are the usual qualifications and powers of the Governors of States?

Various qualifications of citizenship, residence, age, and in some States of property, are required of the candidates for the position of Governor of a State. Their powers are usually the veto power, the reprieving, commuting, and pardoning power, and the power of appointing various officers. The term of office is generally one, two, or four years.

1732. How are the Governors of States assisted in the performance of their duties?

The Governor of the State is usually assisted by such officers as the Secretary of State, Comptroller or Auditor, Treasurer, and Attorney-General.

1733. What was the origin of the county?

1734. What are municipal corporations?

1735. What is a corporation?

1736. What are the usual county officers?

1737. Of what does the judicial department of the State consist?

1738. When was the Constitution of your State adopted?

1739. Who is the Governor of your State?

1740. How many members are there in each house of your State Legislature?

1741. Who are the principal executive officers of your State?

1742. How does the Governor of a State differ from the President of the United States?

1743. How does the Governor of a State differ from a king?

Blackboard Exercise, No. XVII.

STATE GOVERNMENTS.	I. THE STATE DEFINED.	
	II. BASIS OF STATE GOVERNMENT ITS CONSTITUTION.	
	III. STATE ELECTIONS.	
	IV. DEPARTMENTS OF STATE GOVERNMENT.	{ 1. Legislative. <i>a.</i> Senate. <i>b.</i> House of Representatives. <i>c.</i> Governor.* 2. Executive. <i>a.</i> Governor. <i>b.</i> Executive Officers. 3. Judicial: The Judges.
	V. LEGISLATIVE.	{ 1. Meetings. 2. Organization. 3. Officers. 4. Proceedings.
	VI. EXECUTIVE.	{ 1. Officers. 2. Qualifications. 3. Powers. 4. Assistants.
	VII. JUDICIAL.	{ 1. Higher Courts. 2. Lower Courts.

* In most of the States.



CHRONOLOGY

OF

IMPORTANT POLITICAL EVENTS AND ACTS OF CONGRESS.

Note.—The events arranged below exhibit the practical working of the Constitution down to the present time. By means of the numbers on the right, the pupil can easily refer each event to its appropriate clause in the Constitution. The history and political results of each event should be carefully investigated.

	DATE.	CLAUSE.
Government under new Constitution begun.....	March 4,	1789 83
First Senate convened and classified.....	March 4,	1789 9
Washington inaugurated President	April 30,	1789 60
Oath of office prescribed.....	June 1,	1789 82
First Senators from New York took their seats	July 26,	1789 9
President's salary made \$25,000.....	September 24,	1789 59
First Ten Amendments proposed.....	September 25,	1789 79
North Carolina Senators took seats.....	November 27,	1789 9
Department of War established.....		1789 39
Judiciary organized.....		1789 34
Office of Attorney-General created.....		1789 43
Treason punished by hanging.....	April,	1790 71
Mode of proving State Records provided.....	May 26,	1790 72
District of Columbia ceded to United States.....	July 16,	1790 42
First Census taken.....		1790 5
Two years' residence required for Naturalization		1790 29
First copyright law enacted; term, fourteen years..	May 31,	1790 33
First patent-right law enacted.....	April 15,	1790 33
Punishment of piracy defined to be death.....		1790 35
Naval rules adopted.....		1790 39

	DATE.	CLAUZE.
Seat of government moved to Philadelphia.....	1790	42
Legislative and Judicial seals required.....	1790	72
Congress made punishment of treason, death.....	1790	71
Vermont admitted as a State.....	March 4, 1791	76
Public Debt, \$75,000,000.....	January, 1791	{ 27 102
United States Bank chartered.....	February 25, 1791	30
Duty on spirits distilled in United States.....	March 3, 1791	26
First Ten Amendments ratified.....	December 15, 1791	79
Time and place of voting of Pres. Electors fixed...Mar. 1,	1792	95
United States Mint established at Philadelphia....	April 2, 1792	30
Kentucky admitted as a State.....	June 1, 1792	76
Uniform Militia established.....	1792	41
Law for calling forth the Militia	1792	40
Uniform Presidential Elections provided for.....	1792	56
Minister Genet recalled at Washington's request.....	1793	64
Act to enforce fugitive slave law.....	February 12, 1793	75
Secretary of State authorized to issue patents.....	1793	33
Whiskey Insurrection in Pennsylvania.....	1794	{ 61 40
Eleventh Amendment proposed.....	March 5, 1794	76
Militia called forth.....	August 7, 1794	{ 61 40
Slave-trade to foreign countries prohibited.....	1794	44
Duties for protection imposed.....	1794	26
Jay's treaty ratified.....	June 24, 1795	62
Five years' residence required for Naturalization.....	1795	29
Law for calling forth Militia amended.....	1795	40
Tennessee admitted as a State.....	June 1, 1796	76
Stamp Duties imposed.....	1797	26
Eleventh Amendment ratified.....	1798	79
Fourteen years' residence required for Naturalization.....	1798	29
Alien and Sedition Acts passed.....	1798	{ 29 84
Treaty with France declared void.....	1798	62
Rank of Lieutenant-General created.....	1798	39
Department of the Navy established.....	1798	38
Direct Tax levied.....	1798	5
Rank of General created	1799	39
First Bankrupt Law passed.....	April 4, 1800	29
Seat of Government removed to Washington.....	1800	42

	DATE.	CLAUSE.
Treaty with France.....	September 30,	1800 62
Alien and Sedition Acts expired by limitation.....	Jan. 26,	1801 { 29 84
Jefferson elected President by the House of Reps.....		1801 55
Judiciary Act passed by Congress.....	February 13,	1801 66
War declared to exist with Tripoli.....	June 10,	1801 36
West Point Military Acad. founded by Congress..	March 16,	1802 37
Act to repeal internal taxes.....	April,	1802 26
Rank of General abolished.....		1802 39
Five years' residence required for Naturalization.....		1802 29
Ohio admitted as a State	November 29,	1802 76
Louisiana purchased from France.....	April 30,	1803 76
First Bankrupt Law repealed.....		1803 29
Twelfth Amendment proposed.....		1803 79
Twelfth Amendment ratified.....		1804 79
Treaty of Peace with Tripoli	June 3,	1805 62
Public Debt, \$90,000,000.....		1805 { 27 102
Importation of certain goods from Great Britain prohibited,		1806 28
Cumberland Road constructed by Congress.....		1806 32
Embargo on American ships	December 22,	1807 28
Aaron Burr tried for treason and acquitted.....		1807 70
Importation of slaves prohibited	January 1,	1808 44
Commercial intercourse with Great Britain interdicted.....		1809 28
Embargo on American Ships repealed.....		1809 28
Louisiana admitted as a State.....	April 8,	1812 76
War declared to exist with England.....	June 19,	1812 36
Militia called forth		1812 { 61 40
Flogging in Army prohibited.....		1812 39
Internal taxes restored		1813 26
Direct Tax levied.....		1813 5
Office of Commissioner of Revenue established.....		1813 26
Hartford Convention.....	December 15,	1814 84
Ghent Treaty of United States and Great Britain..	Feb. 18,	1815 62
Direct Tax levied on District of Columbia.....	February,	1815 5
War with Algiers.....	March 3,	1815 36
Direct Tax levied.....		1815 5
Public Debt, \$127,000,000.....		1816 { 27 102
Direct Tax levied.....		1816 5

	DATE.	CLAUSE.
Second Charter of United States Bank.....	1816	30
Indiana admitted as a State.....	December 11,	1816 76
Mississippi admitted as a State.....	December 10,	1817 76
Alabama admitted as a State.....	December 14,	1819 76
Florida purchased from Spain.....	February 22,	1819 76
Missouri Compromise passed.....	March 3,	1820 77
Slave-trade piracy, punishable by death.....		1820 35
Maine admitted as a State.....	March 15,	1820 76
Missouri admitted as a State....	.....August 10,	1821 76
Monroe Doctrine concerning foreign relations.....	Dec. 2,	1823 64
J. Q. Adams elected President by the House of Rep's.....		1825 95
Mail-carrying limited to free white persons.....		1825 32
Copyright term extended to twenty-eight years, with re- newal for fourteen more.....		1831 33
Nat Turner's slave insurrection in Virginia.....	August,	1831 40
Nullification in South Carolina.....	November 19,	1832 81
Deposits removed from the United States Bank..	October 1,	1833 30
Flogging for Army desertion allowed		1833 39
Charter of the United States Bank expired.....	March 3,	1836 30
United States out of debt.....		1836 102
Patent-Office created.....		1836 33
Term of patent-rights extended		1836 33
Patent-Office burned.....		1836 33
Arkansas admitted as a State.....	June 15,	1836 76
Michigan admitted as a State.....	January 26,	1837 76
Vice-President Johnson elected by the Senate.....		1837 96
Associate Judges of Supreme Court extended to eight.....		1837 62
Second Bankrupt Law passed.....	August 19,	1841 29
Dorr's Rebellion in Rhode Island.....	1842 {	61 40
Representative Districts established.....	June 25,	1842 15
Rhode Island forms a State Constitution.....		1842 93
Second Bankrupt Law repealed.....		1843 29
Florida admitted as a State	March 3,	1845 76
Texas annexed as a State.....	March 1,	1845 76
Presidential election day fixed.....	January 23,	1845 56
United States Naval Academy at Annapolis opened..	Oct. 10,	1845 38
Smithsonian Institution established.....		1846 33
War declared to exist with Mexico.....	May 13,	1846 36
Iowa admitted as a State.....	December 28,	1846 76
Wilmot Proviso restricting slavery offered.....	August 8,	1846 44

	DATE.	CLAUSE.
Virginia portion of District of Columbia ceded.....	1846	42
Postage Stamps introduced.....	1847	32
Treaty of Peace with Mexico.....February 2,	1848	62
First National Convention of Free-Soil party.....August 9,	1848	84
Addition of California territory.....February 2,	1848	76
Wisconsin admitted as a State.....	1848	76
Patent-Office transferred to Department of Interior.....	1849	33
Department of the Interior established.....March 3,	1849	43
California admitted as a State.....September 9,	1850	76
Act to enforce fugitive slave law amended...September 12,	1850	75
Flogging in Navy abolished.....September 28,	1850	39
Stamped Envelopes first furnished.....	1852	32
Cession of Gadsden purchase from Mexico...December 30,	1853	76
Ostend Manifesto as to Cuba.....October 21,	1854	
Missouri Compromise repealed.....May 24,	1854	
Kansas-Nebraska Bill passed.....May,	1854	77
Treaty of Commerce with Japan.....	1854	62
Rank of Lieutenant-General revived.....	1855	39
Court of Claims established.....	1855	34
Registration of letters introduced.....	1855	32
Prepayment of letters required.....	1855	32
Two-thirds of a quorum pass bills over the President's veto..	1856	24
Dred Scot Decision of U. States Supreme Court..March 1,	1857	
Minnesota admitted as a State.....September 9,	1858	76
Oregon admitted as a State.....February 14,	1859	76
Copyright books transferred to Department of the Interior.....	1859	33
John Brown's Insurrection.....October 16,	1859	40
South Carolina seceded.....December 20,	1860	{ 78 81
Kansas admitted as a State.....January 29,	1861	76
Southern Confederacy formed at Montgomery, Ala...Feb. 4,	1861	51
Militia called forth.....April 15,	1861	{ 61 40
Writ of <i>habeas corpus</i> suspended by the President..April 27,	1861	45
Confederate Congress met at Richmond, Va.....July 20,	1861	51
Income Tax levied.....August 5,	1861	26
Direct Tax levied on all States and Territories.....August,	1861	5
Seizure of Mason and Slidell.....November 8,	1861	87
Constitution of West Virginia framed.....November 26,	1861	{ 78 93

	DATE.	CLAUSE.
Public Debt, \$90,000,000.....	1861	{ 27 102
Flogging for Army desertion abolished.....	1861	39
United States mails withdrawn from the South.....	1861	32
Congress abolished slavery in the District of Columbia	1862	77
Constitution of West Virginia adopted .....May 3,	1862	{ 78 93
Homestead Law passed.....May 20,	1862	77
General scheme of internal revenue.....July 1,	1862	26
Iron-clad oath prescribed .....July 2,	1862	82
Soldiers admitted to citizenship without previous declara- tion.....	1862	29
Punishment of treason redefined.....July 17,	1862	71
Militia called forth.....August 4,	1862	{ 61 40
Division of Virginia ratified by Congress.....December 31,	1862	{ 76 77
Rank of Rear-Admiral and Commodore created.....	1862	39
Present Naval Rules enacted.....	1862	39
Emancipation Proclamation.....January 1,	1863	44
Act to establish National Banks.....February 25,	1863	30
Writ of <i>habeas corpus</i> suspended by Congress.....March,	1863	45
President authorized to suspend <i>habeas corpus</i>.....March 3,	1863	45
Associate Judges of Supreme Court extended to nine.....March 3,	1863	62
Militia called forth.....June 15,	1863	40
West Virginia admitted as a State.....June 20,	1863	76
Draft-Riot in New York City .....July 13-16,	1863	40
Amnesty Proclamation.....December 3,	1863	61
Free delivery of letters authorized	1863	32
National forces defined by Congress.....	1863	39
Homestead Law amended.....March 21,	1864	77
Bureau of Currency provided.....June 3,	1864	30
Fugitive slave law repealed .....June 28,	1864	75
Law punishing counterfeiting U. S. Securities.....June 30,	1864	31
Coastwise slave-trade prohibited.....July 2,	1864	44
Law providing salaries for postmasters	1864	32
Nevada admitted as a State.....October 31,	1864	76
Postal money-order system established.....	1864	32
Rank of Vice-Admiral created.....	1864	39
Thirteenth Amendment proposed .....February 1,	1865	79

DATE. CLAUSE.

Electoral votes of States in rebellion not counted.....Feb., 1865	{ 101 95
Color qualification of mail-carriers removed.....March 3, 1865	32
Thirteenth Amendment ratified.....December 18, 1865	79
Free delivery of letters in certain places required..... 1865	32
Representation in Congress denied to States in rebellion... 1866	{ 5 101
Civil Rights Bill passed..... 1866	99
Fenian Raids into Canada.....May 31, 1866	40
Fourteenth Amendment proposed.....June 16, 1866	79
Homestead Law amended.....June 21, 1866	77
Time and manner of electing Senators regulated...July 25, 1866	15
President's power of removal from office limited..... 1866	62
Metric system of weights and measures legalized..... 1866	30
State Bank-Notes excluded from circulation..... 1866	30
Public Debt, \$2,783,000,000..... 1866	{ 27 102
Regular Army organized..... 1866	39
Rank of General revived..... 1866	39
Rank of Admiral created..... 1866	39
Amnesty Proclamation.....January 19, 1867	61
Copyright books, etc., required to be sent to Librarian of Congress..... 1867	32
Nebraska admitted as a State.....March 1, 1867	76
Third Bankrupt Law passed.....March 2, 1867	29
Enrolling of negroes in Militia provided for.....March 2, 1867	41
Bureau of Education established.....March 2, 1867	43
Act regulating tenure of civil offices.....March 2, 1867	62
Alaska purchased from Russia.....June 20, 1867	76
Iron-clad Oath modified.....July 11, 1868	82
Fourteenth Amendment ratified.....July 28, 1868	79
Impeachment of President Johnson..... 1868	{ 7 13 65
Right of expatriation declared by Congress..... 1868	29
Naturalization treaty with Prussia and Bavaria..... 1868	29
Fenian violation of neutrality..... 1868	{ 61 40
Treaty with China..... 1868	62
Fifteenth Amendment proposed.....February 27, 1869	79
United States Judges' retirement act passed.....April 10, 1869	66

	DATE.	CLAUSE.
Associate Judges of Supreme Court reduced to eight.....	1869	62
Naturalization treaty with Belgium and Hesse	1869	29
Circuit Judges created.....	1869	{ 62 66
Fifteenth Amendment ratified.....	March 30, 1869	79
Fenian Raids into Canada	February 3, 1870	40
Naturalization Laws extended to Africans.....	July 14, 1870	29
Alabama claims awarded by Joint Commission.....	1870	{ 36 28 43
Northwestern boundary of United States defined.....	1870	62
Regular Army reduced.....	July, 1870	39
United States Bonds issued	July, 1870	27
Department of Justice established.....	1870	{ 1 34 66
Naturalization treaty with Great Britain.....	1870	29
Naturalization treaty with Wurtemberg and Baden.....	1870	29
Law to punish crimes against Naturalization Laws.....	1870	29
Present Copyright law enacted, and records transferred to Washington.....	July 8, 1870	33
Copyright books placed under control of Librarian of Con- gress.....	1870	33
Term of patent-right changed to seventeen years.....	1870	33
Written or printed ballots of Representatives in Congress required.....	1871	15
Ku-Klux Bill passed	April, 1871	99
Treaty of Washington with Great Britain (war claims) June 17,	1871	62
Income Tax discontinued.....	1871	26
Naturalization treaty with Austria	1871	29
Territorial government established in the District of Columbia.....	1871	77
Geneva Tribunal on Alabama Claims met....	December 15, 1871	36
Representatives' election on Tuesday after first Monday in November	1872	15
San Juan boundary decided in favor of U. S....	October 21, 1872	62
Naturalization treaty with Sweden and Norway	1872	29
United States Statutes first revised and codified.....	1873	81
Franking privilege abolished.....	1873	32
Law punishing counterfeiting of coin passed.....	February, 1873	31

	DATE.	CLAUSE.
President's salary, \$50,000.....	March 3,	1873 59
Public Debt, \$2,162,252,338.....	1873	{ 27 102
Letter-carriers authorized.....	1873	32
Rank of Admiral and Vice-Admiral declared abolished, when vacant	1873	39
Act approving resumption of specie payments...January 14,	1875	30
Colorado admitted as a State	July 1,	1876 76
Law requiring uniform election of Representatives in effect.....	1876	15
Electoral Commission Act approved.....January 29,	1877	95
Joint Electoral Commission settled Presidential dispute...	1877	95
United States troops withdrawn from the South.....	1877	61
Third Bankrupt Law repealed	1878	29
Fishery Award to Great Britain	1878	28
Silver made a legal tender in payment of debts.....Feb. 21,	1878	30
Resumption of Specie Payments.....January 1,	1879	30
Treaty with China in relation to commerce.....	1880	62
Treaty with China in relation to immigration	1880	62
Apportionment of Representatives fixed at three hundred and twenty-five members.....	1882	5
Chinese immigration prohibited for ten years	1882	{ 24 43
Registration of trade-marks provided for.....	1882	29
Tenth Census published.....	1882	5
Lieutenant-Commander Sigsbee authorized to receive a decoration from Germany.....	1882	50
Bill to regulate carriage of passengers by sea.....	1882	28





TEST QUESTIONS

AND

RECREATIONS.



Note.—The object of the following questions is to test the skill of the pupil in interpreting the spirit and meaning of the various clauses of the Constitution; to secure a review of its leading principles; and to encourage original investigation upon constitutional and kindred topics. Answers to some of the questions will be found by reference to the appropriate clauses; other answers will be found in the “Chronology of Important Events;” while a few must be sought in such works as “Andrews’ Manual of the Constitution,” “Story on the Constitution,” etc. It is recommended that these questions be used as subjects for debates.

1. WHAT power given to Congress by the Constitution is not exercised by it?

2. What power given to the President by the Constitution has never been exercised by him?

3. What is the only instance in the Constitution where the Government has a duty enjoined upon it, while the particular department is not mentioned?

4. What three limitations to the power of amendment does the Constitution contain?

5. Which clause of the Constitution can never be repealed?
6. Why did President Arthur take the prescribed oath of office twice?
7. Does the authority to command the army and navy necessarily belong to the Executive Department, or may the duties of the President, as military head of the nation, be regarded as distinct from those devolving upon him as the chief magistrate?
8. If the Senate or House of Representatives should punish one of its members for contempt, would the President have authority to pardon him?
9. Can the President, by and with the consent of the Senate, make a treaty which can be construed so as to destroy the fundamental laws of the land?
10. If a treaty be the law of the land, is it not as much obligatory upon Congress as upon any other branch of the government or the people at large?
11. It is generally asserted that only in two or three cases has it been possible for our Presidents to live within their salary, and that in most cases their expenses have far exceeded it. If this be true, has the object of the Constitution been accomplished in granting them a *compensation* for their services?
12. Before entering upon the duties of his office, the Vice-President, like the President, is placed on oath or affirmation. Must he renew his oath in case he succeeds to the Presidency?
13. It is said that the Cabinet of President Harrison proposed that Mr. Tyler should be styled "Acting President." Would this have been in accordance with the intention of the Constitution?
14. If the President *pro tempore* of the Senate, or the Speaker of the House, should be called to the Executive chair, would he properly be called "Acting President"?
15. When, in 1865, Congress sent the Amendment abolishing slavery to the reconstructed States of the South, it virtually recognized them as States. When, subsequently, (March 2, 1867,) Congress declared these States in a state of insurrection, did the act have a retrospective effect?
16. Was the Thirteenth Amendment duly ratified by three-fourths of the whole number of States as well as by three-fourths of the *loyal* States?
17. Have we ever had more than one Vice-President at the same time?

18. Mr. Foster was elected President *pro tempore* of the Senate while Andrew Johnson was yet Vice-President, and before President Lincoln's death; were there two Vice-Presidents during the forty days in which this continued to be the case?

19. In case of the insanity, or other mental inability, of the President, who would decide when the Executive was in a proper mental condition to resume the duties of his office?

20. If the Vice-President assume the powers and duties of the President on account of his inability, and the President's inability should be removed, would the Vice-President have to give up the exercise of such powers and duties, or continue to exercise them for the remainder of the Presidential term?

21. If Congress were allowed a discretionary power over the salary of the Executive, how might the power be used to affect legislation?

22. How does the President's salary compare with the sums allowed to the crowned heads of Europe?

23. Alexander Hamilton was born in the West Indies, in 1757. Could he have been elected to the Presidency?

24. Was Lafayette eligible to the office of President of the United States?

25. Could a child born on ship-board, between Europe and the United States, ever become President of the United States?

26. President Garfield was unable to discharge the powers and duties of his office between the 2d of July and the 19th of September, 1881. Did the powers and duties of the said office devolve upon the Vice-President?

27. Would the Vice-President become President if the Chief Magistrate should become insane, or be kidnapped, or be taken prisoner in time of war?

28. Does the Constitution authorize the President to do anything which does not necessarily belong to him as Executive?

29. Did the Constitutional Convention act wisely in reducing the length of the Presidential term from seven years to four, and in striking out the clause forbidding re-election?

30. Is the election of the Electors of President and Vice-President confided to the State Legislature in any one of the United States?

31. Suggest a method of electing a President and a Vice-President

which will be free from the objectionable features of the present mode.

32. Is the President in any sense the unbiassed choice of the people, or of the States, or merely the representative of a party?

33. Is anything said in the Constitution about the power of Congress to emit bills of credit, or to make anything but gold and silver a legal tender?

34. Have these powers been considered as belonging to and been exercised by Congress?

35. May States pass laws operating upon future contracts between their own citizens?

36. If a charter of a bank, which has been incorporated by a State, should prescribe the manner in which the bank should be taxed, could the State subsequently alter the mode of taxation?

37. Is the charter of a college a contract which the Legislature of a State cannot annul or impair?

38. What is the only way in which the President, Judges, Heads of Departments, Army and Navy Officers, and members of Congress can obtain their salaries?

39. Can any officer of the United States, without guilt, wear honors borrowed from foreign sovereigns, or touch for personal profit any foreign treasure?

40. Can Congress authorize officers of the United States Government to receive presents from foreign powers?

41. A State may borrow money and issue bonds therefor. Are such bonds "bills of credit" in the constitutional sense?

42. Postage stamps are frequently used in the payment of small bills, especially when ordering by mail, articles whose value is less than a dollar. Are stamps so used "bills of credit"?

43. What legislative construction given to the Constitution in 1789 was reversed in 1867, as a result of the estimate of the character of the Executive at the two different periods?

44. Suppose Great Britain had recognized the seceded States during the Civil War as an independent nation, what might have been the result?

45. Where would a person be tried who had robbed the mail, evaded the revenue laws, or counterfeited the coin of the country?

46. Would conspirators who assassinated the President of the United States, while the country was in a state of war, and while the place where the crime was committed was under martial law, be entitled to a trial by jury?

47. Can forts, arsenals, dockyards, or other public works be a refuge for criminals, or persons trying to avoid State justice?

48. What clause could you take away from the Constitution without affecting any of its provisions?

49. Is any express constitutional authority given to the United States Government to make contracts?

50. Which clause in the Constitution did Patrick Henry speak of as the Sweeping Clause by which Congress was to overthrow the States?

51. From whom was the custom of the veto derived?

52. How many bills were vetoed by Washington? Madison? Monroe? Jackson? Tyler? Polk? Pierce? Buchanan? Johnson? Grant? Hayes? Garfield? Arthur?

53. How many bills were passed over the veto of Tyler? Pierce? Johnson? Arthur?

54. Give an instance of the President's approval of a resolution where such approval was unnecessary.

55. What was the first case of indirect tax other than duties on imports?

56. Can taxes be laid to aid foreign nations, or for purposes not national?

57. When was an income tax first levied by our Government?

58. Would it be economy for the nation to borrow money to develop the country by railroads?

59. Can military and naval officers be impeached? Can persons not in office?

60. How many regular terms has a Congress? How many sessions?

61. Has Congress always met on the first Monday of December?

62. How long is the first session of Congress usually? Second session? Closes when? Instances of three sessions.

63. How long was the Thirty-first Congress in session?

64. The constitutional term of Congress ends at noon on the fourth

of March. Do the Journals of the two houses for that day bear the date of the *third* or the *fourth* of March?

65. When was a bill first passed over the veto of the President?

66. When was the English veto last exercised?

67. How can a State be unrepresented in the Senate?

68. How did New York happen to be unrepresented in the Senate during the first few months of the First Congress? How again in the Forty-seventh Congress?

69. Why did New York have no electors under the First Congress?

70. What objection would there be to allowing the Governor of a State to make contingent appointments for filling vacancies in the Senate?

71. How is the qualification of inhabitancy of Senator open to criticism?

72. Mention measures passed by means of the casting vote of the Vice-President.

73. What was the vote on President Johnson's impeachment?

74. Give the history of Blount's impeachment. Pickering's. Chase's. Peck's. Humphries'. Johnson's.

75. Has any capitation tax ever been levied by the United States Government?

76. How was the direct tax of 1798 assessed? Was the tax then laid upon slaves a capitation tax?

77. What is the meaning of the letters *ss.* appended to the name of the State and county in legal documents?

78. If a foreigner makes his declaration of intention to become a citizen of the United States, and dies before the time to become naturalized, can his wife and children become citizens at that time on taking the necessary oath? Why should the *wife* desire to?

79. Who gives notice of a Senatorial vacancy to the Legislature of a State? Suppose he delays?

80. How can Senators agree to be absent from meetings of the Senate without affecting their interests?

81. By whose authority are our treasury notes and fractional currency signed?

82. With what Department is the "Bureau of Internal Revenue"

connected? The "Bureau of Statistics"? The Mint? Coast Survey? Light-House Board? Signal Office? Bureau of Military Justice? Academy at West Point? Bureau of Yards and Docks? Equipment and Recruiting? Navigation? Ordnance? Medicine and Surgery? Provisions and Clothing? Steam Engineering? Construction and Repair? Naval Academy?

83. How are West Point Cadets supported? Cadet Midshipmen at Annapolis?

84. With what Department is the Patent-Office connected? Census Office? Land Office? Indian Affairs? Pensions? Public Buildings? Education?

85. When did the Postmaster-General begin to attend Cabinet meetings?

86. What officer, without a "Department," has always been recognized as a member of the Cabinet?

87. Are the "Departments" defined in the Constitution? How are they established? How many are there? What are their "Heads" called separately and collectively?

88. What are Government Bureaus?

89. Who is regarded as the next person in importance to the President?

90. Are the duties of the Secretary of State defined by law? What are they?

91. With what Department are Ambassadors and other Public Ministers connected?

92. Has Prussia ever sent an Ambassador to a foreign government?

93. What are Envoys Extraordinary? Ministers Plenipotentiary? Ministers Resident? Ambassadors? Commissioners? Chargés d'Affaires? Secretaries of Legation? Consuls? Consul-General?

94. Why does the Senate *not* have a Committee of Ways and Means?

95. How many constitute a Standing Committee, usually, in the House? In the Senate?

96. What is meant by the House resolving itself into a *Committee of the Whole*?

97. How many times is a bill read in the House?

98. How many Presidents have been elected for a second term? For a third?

99. Is there any constitutional limit to the number of terms for which a President may be elected?

100. Washington's first term began March 4, 1789. He was not sworn into office till the 30th of April. Why?

101. How are Congressional bills signed?

102. Is there any provision in the Constitution, or by statute, for filling a vacancy in the office of Vice-President?

103. Did we have any Vice-President in 1854? 1882?

104. Why is the presiding officer of the House of Representatives called the Speaker?

105. What are the duties of the Speaker of the House of Representatives?

106. If the Speaker of the House is acting as President of the United States, is he required to vote in case of ballot? May he vote on other occasions?

107. Who presides at the organization of the House of Representatives?

108. Is the Clerk of the House a Representative?

109. How are Committees appointed in the Senate and House of Representatives?

110. Who are most vitally interested in an international copyright,—publishers or authors? Why?

111. Upon what principle are the English and American copyright laws based?

112. Does the Constitution recognize the absolute right of an author to control forever the publication of his work?

113. Suggest a plan for expediting the transaction of business in Congress.

114. How does our House of Representatives compare with the British House of Commons in numbers?

115. Is an absolutely fair basis of representation in the House possible under our present system of apportionment?

116. When was the franking privilege abolished?

117. What are the duties of the Vice-President?

118. A large number of women in Massachusetts, who are neither minors, paupers, criminals, lunatics, nor idiots, but responsible citizens and taxpayers, (those in Boston alone paying in a single year \$1,448,-479,) respectfully asked the Legislature of that State that they might

be allowed a voice in the form of municipal suffrage. Was their request a reasonable one? Prove it.

119. Has municipal suffrage been granted to women in Scotland? In England?

120. In what part of the United States has full suffrage been granted to women, and been acknowledged for twelve years to be an unmixed benefit to the community?

121. Is partial suffrage allowed to women in any of our States?

122. Are women allowed to hold office in any of our States?

123. In not allowing women to vote, do we violate any principle which we fought to establish in the Revolution and tried to secure in adopting the Constitution?

124. The adoption of postal savings-banks was delayed because it was thought that the Government would injure private enterprise. Is the objection well founded?

125. In the last three years about three hundred millions of gold and silver currency have disappeared from circulation. If postal savings-banks were opened, is it likely that this hoarded sum would flow into them?

126. Under what circumstances can a small minority of the Grand Jury prevent the finding of a true bill?

127. In our Congress members of the Executive branches of the government cannot be Senators or Representatives. Is this true in the British Parliament?

128. Can a tax collector, by law, collect a tax from a foreigner who has been in this country six years, but has *not* taken his naturalization papers out yet?

129. What is the present amount of our national debt?

130. Is an amendment to the Constitution necessary before the right of suffrage can be extended to women?

131. Are the essential requisites of voters indicated in the Constitution?

132. Does the right to vote imply the right to be voted for?

133. Are Chinamen allowed to be naturalized?

134. Have we any Japanese voters?

135. Has any act of amnesty ever been passed which removed the disabilities of Jefferson Davis?

136. Why do we sometimes hear of "long" and "short" Senatorial terms?

137. Is it necessary for a man born in a foreign land, but who has lived in this country since he was three years old, to take out naturalization papers in order to vote; and, if so, what is the proper course to pursue?

138. When an Amendment to the Constitution has been proposed by two-thirds of both Houses of Congress, is the approval of the President necessary?

139. If a State rejects an Amendment a hundred times, and then ratifies it, does the ratification count just the same as though it had been made on the first vote?

140. In a time of rebellion, is a ratification of a proposed Amendment by the Legislatures of three-fourths of the loyal States sufficient to make the Amendment valid?

141. Is the moral influence of the Constitution in favor of universal suffrage?

142. How were the States which seceded from the Union regarded by the National Government during and immediately after the Rebellion?

143. How were the seceded States after the Civil War reconstructed and restored?

144. What was necessary before the Articles of Confederation could be altered or amended?

145. Have two-thirds of the Legislatures ever applied to Congress to call a Convention for the purpose of amending the Constitution?

146. How many modes are there of proposing amendments? How many modes of ratification?

147. Who pays the expenses connected with the arrest and delivery of a fugitive from justice who is found in another State?

148. Which Amendment settled a question which caused more disturbance in our government than all other questions combined?

149. Does the Constitution define a *republican* form of government?

150. Would it have been the duty of the United States to protect each State against invasion and domestic violence, if there had not been a special provision to that effect inserted?

151. Which Amendment defines the word *citizen*?

152. Is every citizen of a State also a citizen of the United States?
153. Can a man be a citizen of the United States and not a citizen of any particular State? How?
154. Can a citizen leaving one State and coming into another claim any rights and privileges which were *peculiar* to the State which he left?
155. Describe the "Civil Rights Bill." Why was it proposed? How was it passed? When did it become a law?
156. Was the emancipation of a slave exactly equivalent to the naturalization of an alien or foreigner?
157. What is *extradition*?
158. Show that the powers of the Courts are *judicial* and not *political*.
159. If a State should vote to ratify an amendment to the Constitution, and then withdraw its ratification, which vote must be counted?
160. Since the organization of the Supreme Court, how many acts of Congress have been pronounced void for unconstitutionality? Give a history of each case.
161. Where are crimes committed on the high seas tried?
162. Can there be any conviction in our courts unless the jury are unanimous?
163. Is the word *citizen* defined in the original Constitution?
164. Why was the fourteenth amendment adopted?
165. Which Amendment relieved the dignity of the States and weakened the power of the national judiciary to do justice to the citizen?
166. Can a citizen of one of the Territories or of the District of Columbia bring a suit in a United States Court?
167. Can Congress limit or obstruct the power of the United States Courts?
168. Can Congress alter or amend the Constitution?
169. Can Congress repeal or amend their own statutes?
170. Prove that the legislative power of Parliament is broader than that of our Congress, and, as a consequence, that the province of the British Courts is narrower than that of ours.
171. "The National Courts, which are open to the citizens of every

State, and even to aliens, are, notwithstanding, closed against a portion of the citizens of the United States." Explain how this is.

172. Can a direct suit be brought against the United States, either by a citizen or a State, without the authority of an act of Congress?

173. How may claims be made against the United States?

174. Are officers of the General Government liable to be sued for acts performed in the regular discharge of their official duties?

175. What is meant by judicial jurisdiction?

176. Can Congress establish more than *one* Supreme Court?

177. Does the power to establish post-roads give Congress the power of making internal improvements?

178. Ought the electric telegraph to be managed by the Government?

179. Is there any danger of a conflict between civil and military courts in time of war?

180. Has Congress power to levy a direct tax upon the District of Columbia and the Territories?

181. If the President *pro tempore* of the Senate, or the Speaker of the House, should be called upon to act as President, he would act till a new President could be elected. When would such special election be held?

182. Why was the Eleventh Amendment adopted?

183. Has any effort ever been made to secure an international coinage?

184. What is the "Metric System"? Has it been legalized in this country?

185. About how many postmasters are appointed by the President? How many by the Postmaster-General?

186. How does the amount of money paid for the transportation of mail compare with the sum paid in salaries to postmasters?

187. What are the present rates of postage?

188. What were the postage rates between 1792 and 1799? 1799 and 1816? 1816 and 1845? 1845 and 1851? 1851 and 1863?

189. When was the law "that no other than a free white person shall be employed in conveying the mail" repealed?

190. Who regulated the value of coin under the Confederation?

191. Is it likely that a change in the relative values of gold and silver will make another change necessary in our coinage before many years?

192. In what year was silver made a legal tender for only five dollars?

193. What is the difference, at the present time, between the real and nominal value of the silver coins?

194. If Congress did not regulate the value of foreign coin, who would?

195. Does the Constitution mention the issuing of "bills of credit" among the powers of Congress?

196. Does the Constitution authorize Congress to make Treasury notes, or gold and silver, a legal tender?

197. When was a stringent law passed by Congress to punish crimes against the naturalization laws?

198. If there is a national law of bankruptcy to the contrary, could a State release a debtor from debts already incurred, or pass laws affecting the citizens of other States?

199. What allowance was made to the debtor adjudged bankrupt by the law of 1800? 1841? 1867?

200. What proportion of creditors was compelled to give their assent to the discharge of a debtor by the law of 1841?

201. How are bankrupts treated in England and France?

202. Distinguish between a legal and a moral obligation.

203. Has any State extended the right of voting to persons of foreign birth not naturalized?

204. Can aliens hold real estate in the United States?

205. What disabilities does naturalization remove, and what rights and privileges does it confer?

206. Can the President and Senate naturalize whole communities, without reference to the sections of the act prescribing the rule of naturalization?

207. Has the power to establish a uniform rule of naturalization exhausted the power of Congress over the subject?

208. When Texas, with all its people, was admitted into the Union, were the naturalization laws violated?

209. Is an Indian tribe a foreign nation?

210. Does the admission to citizenship of those who have been subjects of other governments imply the right of expatriation?

211. Have we any law expressly declaring the right of expatriation?

212. Have any treaties been made by the United States in which provision has been made for the mutual naturalization of citizens?

213. When did naturalization cease to be restricted to whites in the United States?

214. Does the National Government exercise a practical control over the States, in respect to the political rights to be conceded to persons not natives of the country?

215. Can the bonds of the United States be taxed, even if the bonds themselves contain no stipulation to that effect?

216. Has Congress, under the power to "regulate commerce," ever prohibited American merchant vessels from leaving port?

217. Has Congress ever passed an act to prohibit the importation of certain goods from any specified foreign country?

218. When did Congress interdict commercial intercourse between the United States and Great Britain and France?

219. Can any of the States or individuals purchase lands from the Indians?

220. Upon what three things have direct taxes usually been laid?

221. Why was a direct tax levied in 1861?

222. How many of the loyal States and Territories assumed the payment of the direct tax laid in 1861?

223. Is the owner of a gold watch required to pay a tax?

224. What taxes are required to be uniform; and what kind must be in proportion to the population of the State?

225. When were United States Bonds first generally purchased by the people?

226. Why were the names *seven-thirties*, *ten-forties*, *five-twenties*, etc., given to certain United States loans?

227. Can a summons be served on a Senator or Representative while on his way to or from the seat of government?

228. How long is it since the sovereign of Great Britain has exercised the veto power?

229. Has Congress ever levied a general tax on *all* the property of the country?

230. Which State Constitution prohibits poll taxes, and requires that all property shall be taxed equally? Ohio's.

231. How has the General Government usually derived its revenues?

232. How many times was a direct tax laid previous to 1860?

233. Is the Constitution itself a Bill of Rights?

234. Is any distinction to be made between the *people* and the *government* in the United States?

235. The Senators from Ohio took their seats in 1803. One of them was placed in the first class and the other in the third. When did the term of each expire?

236. How is a Congress measured?

237. When a vacancy is temporarily filled by Executive appointment, how long does the Senator thus appointed hold his office?

238. Are Senators and Representatives bound by the "instructions" of those who elect them?

239. If Rhode Island and North Carolina had refused finally to ratify the Constitution, what would have been their relations to the United States?

240. How many Amendments have been proposed by Congress? How many have been ratified by the requisite number of States?

241. By whose authority were the Amendments appended to the Constitution, as a series of distinct provisions, instead of being incorporated into the text?

242. In whose interest was the Bill of Rights excluded from the original Constitution?

243. Are the States prohibited in the Constitution from having an established religion?

244. Has any effort ever been made to introduce a religious test as a qualification for office under the United States?

245. Has any attempt ever been made to secure an express recognition of God in the Constitution?

246. Were the Articles of Confederation ever regarded as anything more than a provisional Constitution?

247. Did the PEOPLE, in whose name the Declaration of Indepen-

dence was made, on the fourth of July, 1776, have anything to do with the Articles of Confederation?

248. What State sent no delegate to the Convention that framed the Constitution? Why? Did it afterwards adopt it?

249. When the tenth article of Amendments was under consideration in Congress, there was an effort made to insert the word "expressly" before "delegated." If the effort had been successful, what effect would it have had upon the interpretation of the Amendment?

250. Is it true that, because certain rights are *admitted* as belonging to the people, all other rights are surrendered to the Government?

251. The ratification of nine States was sufficient for the establishment of the Constitution. How many States would be required to abolish it?

252. Is an Amendment to the Constitution binding upon a State which does not give its assent?

253. What State rejected the Constitution and afterwards adopted it?

254. Does the Constitution prevent a State from applying a religious test to its own officers?

255. Give the date of the adoption of each amendment to the Constitution.

256. To what clause in the Constitution was Delaware indebted for its representation in Congress in 1860?

257. If each State had, at the present time, one Representative for every thirty thousand inhabitants, how many members would the House of Representatives contain?

258. Are the privileges of citizenship derived from the States or from the National Government?

259. Has any State the right to become an asylum for criminals?

260. While an oath is obligatory upon all officers, State and National, there is no provision in the Constitution empowering Congress to pass a law enjoining the oath. How has this difficulty been met?

261. What is known as the "Iron-clad oath"? How has it been modified from time to time?

262. When is an affirmation accepted instead of an oath?

263. Has the United States Government a constitutional right to acquire territory? Give proofs.

264. How many times do the words "slave" and "slavery" occur in the Constitution?

265. Where are import duties required to be paid?

266. Is Congress *compelled* to admit new States?

267. Can Congress compel the people of a Territory to become a State?

268. Can Congress dispose of a State?

269. Would Congress have had the power granted in Article 4, Section III., Clause 2., if the clause had not been inserted in the Constitution?

270. Does the Constitution anywhere authorize the General Government in express terms to enlarge the national domain by purchase, conquest, annexation, or any other mode?

271. The Ordinance for the Government of the Territory northwest of the Ohio River was passed in 1787, while the Convention which framed the Constitution was in session. Was the Ordinance binding after the Constitution was adopted?

272. How was the power of the General Government to make all needful rules and regulations for the Government of Territories called in question in 1856?

273. Can the people of a territory prevent Congress from organizing a territorial government?

274. When a citizen of a State goes to reside in a Territory, does he carry with him his civil rights. That is, has he any longer a voice in the election of President, member of Congress, or the Governor of the Territory?

275. As a Territory is not compelled to become a State, can a State be compelled to remain a State?

276. Is there such a thing in our governmental system as a State out of the Union?

277. The various acts of Congress had nothing to do with the slave-trade as between the several States. How was that matter regulated?

278. What clause in the Constitution enables parents to get control of their children when illegally held in custody by others; and also provides a way by which sane persons may be set at liberty who are confined under pretence of insanity?

279. Does the Constitution determine whether the right to suspend the writ of *habeas corpus* belongs to Congress, or to the President, or both?

280. Would a law abolishing imprisonment for debt be an *ex post facto* law, even though it should apply to past contracts?

281. Where has the Constitution conferred on Congress, or any other department of Government, any distinct power to suspend the writ of *habeas corpus*?

282. How is it evident that the framers of the Constitution supposed that Congress might wish to pass bills of attainder and *ex post facto* laws?

283. Would a judgment rendered in Ohio, and held to be conclusive there, also be conclusive in New York?

284. Why were the first ten Amendments adopted?

285. In the Fourteenth Amendment the States are prohibited from doing what the Fifth Amendment prohibits. If the Fifth applies to the State governments, what need of the same prohibitions in the Fourteenth?

286. Is it treason to conspire to levy war against the United States?

287. "During the late civil war, two steamers belonging to a steamship company had been seized for the rebel service. Subsequently, payment was offered for them to the agent of the company, when he was informed by the Government that acceptance of payment from the rebels would be treated as an act of treason against the United States." Why was this treason?

288. Are mutilated coins counterfeits?

289. Can the son of a public minister, born in England, be President of the United States?

290. Can a man make an article that is patented for his own individual use without being compelled to pay a royalty to the owner of the patent?

291. Have we any National Bankrupt Law at the present time?

292. Can colored people sue for damages under the Fifteenth Amendment unless they can prove citizenship?

293. Has Alaska any organized government?

294. A., B., and C. are candidates for an office, and receive respect-

ively 30, 25, and 24 votes. Was there an election of either candidate by an absolute majority of all the votes cast? Was there an election by a plurality?

295. Is it necessary for a man born in a foreign land, who has lived in this country since he was three years old, to take out naturalization papers in order to vote?

296. In our Congress, members of the Executive branches of the Government cannot be Senators or Representatives. Is this so in the British Parliament?

297. Can the President *pro tempore* of the Senate delegate a Senator to take his place, which can only be filled by an election by the Senate?

298. "My father came to this country from Scotland, accompanied by his family, in 1873. He took out his naturalization papers about a year ago (1882). In the meantime I have attained my majority. Can I vote on the strength of coming into the country under age? Or must I apply for naturalization papers myself?"

299. Could 60,000 Chinese laborers be brought through this country from Cuba to China, or *vice versa*, as the law now stands?

300. It has been suggested that the people of the whole Union should vote directly for President and Vice-President, with judicious safeguards for the determination of the legal vote of each State, and declare the men elected who receive the highest number of votes. What is the objection to this method?

301. Mr. Garland proposed a bill in the Senate to provide for the Presidential succession, as follows: "In case of the removal, death, resignation, or inability of both President and Vice-President of the United States, the Secretary of State, for the time being; or, if there be no Secretary of State, then the Secretary of the Treasury, for the time being; or, if there be neither Secretary of State nor Secretary of the Treasury, then the Secretary of War, for the time being, shall act as President, until the disability be removed or a President be elected in the manner and at the time provided in the Constitution and laws, or, in case there be no occasion under the law for an election, until the existing term of office of the President so removed, resigned, dead, or disabled shall have expired." Criticise this bill.

302. A bill was proposed and passed in the House of Representatives, Feb. 6, 1882, that no territorial delegate should be entitled to a seat in the House who is guilty of bigamy or polygamy. The

Mormon religion sanctions polygamy. Is this bill in effect a religious test?

303. Who signs death-warrants in the District of Columbia?

304. If General Grant had a son born in England while traveling there, would that son be eligible to the office of President of the United States?

305. Would the son of an American Consul, born while his parents were abroad, be eligible to the office of President of the United States?

306. What is the Smithsonian Institution?

307. Is any express provision made in the Constitution for electors of the Vice-President?

308. Does the Constitution provide for the compensation of the Vice-President?





AN EXPLANATION OF LEGAL TERMS AND PHRASES.



A.

- Accomplice.** One of several implicated in a felony or crime, but not necessarily present at its commission.
- Acknowledgment.** The declaration or avowal of one's signature, or of the validity of a document to which one's name is signed.
- Act.** A decree of a court of justice or edict of a legislature; a statute, a law.
- Administrator.** One who takes legal charge of the property or estate of a person dying intestate, and is accountable for the same.
- Administratrix.** A female administrator.
- Admiralty.** The power of officers appointed for the administration of naval affairs; a board of naval commissioners; a jurisdiction which takes cognizance of naval or of maritime affairs.
- Affidavit.** A declaration on oath in writing, sworn to before some person who has authority to administer it.
- Affirmation.** A solemn declaration answering to an oath, made by Friends, Moravians, and others, under penalties of perjury.
- A fortiori.** With stronger reason; with greater probability.
- Agency.** The office or business of a person acting for or intrusted with the business affairs of another. The person so acting is called the *agent*; the one acted for is called the *principal*.
- Alias.** Otherwise called. An assumed name. A second or further writ issued after the first *capias* or judicial writ commanding the sheriff to take or arrest a party named.
- Alibi.** The plea of a person who, to prove himself innocent of an offence or crime, alleges that he was elsewhere, or at another place, at the time the act was committed.
- Alien.** A foreigner who is a resident or subject; or one born in a foreign country, and never naturalized.
- Alimony.** An allowance to which

a married woman is entitled, upon a legal separation from her husband, when she is not charged with adultery or an elopement.

Allegiance. The fidelity or obedience which a citizen or subject owes to the government or sovereign.

Ambassador. A public minister of the highest rank sent on public business from one sovereign power to another.

Amnesty. An act of oblivion or indemnity; a general pardon or freedom from penalty granted to those guilty of some crime or offence.

Apprenticeship. A relation established by a written agreement, by which a minor, with the consent of his parents, agrees to serve as a servant in some trade or employment for a certain term of years.

Appurtenances. Minor rights or property connected with real estate, such as door-keys, etc.

Arbitrator. A disinterested person, to whose judgment or decision matters in dispute are submitted by the consent of the parties concerned. An umpire, or referee.

Arrest. A seizure of a person or persons in execution of some legal process.

Arrest of Judgment. An order of a court directing that no judgment be rendered in a case, on account of an error of law in the proceedings.

Arson. The act of voluntarily and maliciously burning the house of another.

Articles of Confederation. The form of government adopted by the States for their union during the Revolution, and remaining in force until the present Constitution was adopted.

Assassin. One who kills, or attempts to kill, by violence and treachery or secret assault.

Assault. An attempt by violence to do corporal injury to another. If the person be actually touched, it is *battery*.

Attachment. An apprehension by virtue of precept or writ, differing from an arrest, inasmuch as it lays hold of the goods as well as the person.

Attainder. Corruption of blood, or extinction of civil rights, in consequence of being condemned for a capital crime.

B.

Bail. A release of a prisoner on security for his appearance in court; the person or persons who give the security; the sum given as security.

Bailable. A crime or offence is said to be bailable, when the party is entitled, after arrest, to be discharged on giving bail.

Bail-bond. A bond given by a prisoner to insure his appearance in court.

Bailee. The person to whom goods are delivered in trust or under security.

Bailor. One who bails or delivers goods in trust.

Ballot. A little ball, a slip of paper,

or anything which is used in giving a secret vote.

Bankrupt. One who has been declared by a court to be unable to pay his debts.

Bequest. Something left by will; a legacy.

Bigamy. Marriage with a second while still possessing a first husband or wife.

Bill. A formal complaint, in writing, to a court of justice; as, a *bill in equity*; a *bill of indictment* by a grand jury; a record, or written statement of proceedings in an action; as, a *bill of exceptions*; a written statement of the terms of a contract, or specification of the items of a demand or counter-demand; as, a *bill of exchange*; a *bill of sale*; a *bill of credit*; a *bill of particulars*; a draft of a proposed act presented to a legislature; a proposed or projected law.

Bill of Credit. Paper issued by the authority of a State on the faith of the State, and designed to circulate as money.

Bill of Exceptions. A formal statement in writing of exceptions

taken to the opinion, decision, or direction of a judge, delivered during the trial of a cause.

Bill of Particulars. A written specification of the particulars of the demand for which an action at law is brought, or of a defendant's set-off against such a demand.

Bill of Rights. A formal declaration in writing of popular rights and liberties, usually expressed in the form of a statute, and promulgated on occasions of revolutions, or the establishment of new forms of government, or new constitutions.

Bona fide. In good faith.

Bond. A writing of obligation, under seal, to pay a sum, or to perform a contract.

Bribery. The crime of taking or giving bribes, or of offering or receiving a reward in order to influence action in any office, or to bias a voter in an election.

Burglary. The crime of breaking open, and entering the dwelling-house of another, in the night, with intent to commit felony, whether the purpose be accomplished or not.

C.

Cabinet. The collective body of men who direct the government of a nation, or who are the constitutional advisers of the chief executive officer of a State or nation.

Capital crime. A crime punished by death.

Capital punishment. A punishment that takes away life.

Census. The numbering or counting of a people, and the valuation

of their property, made in this country every ten years.

Charter. A written instrument conferring certain privileges or rights.

Check. An order for money on a bank or banker.

Client. One who employs an attorney or counselor.

Codicil. An addition or supplement to a will.

- Commission.** A document or writing investing one with authority in office, especially the warrant by which an officer is empowered to take possession and perform the duties of a particular office for which he is named.
- Concurrent.** Acting together. Associated. Having the same right or claim; equal in authority; as, *concurrent jurisdiction*.
- Confederation.** A league; an alliance. The States united by a common agreement.
- Confiscation.** The transfer of private property to public use.
- Congress.** A meeting of delegates or representatives to enact laws, and consult upon matters of common interest. A national legislature.
- Consanguinity.** Relationship by blood, or by descent from a common ancestor.
- Consideration.** What is given, done, or promised, as the cause or reason for which a person enters into an agreement.
- Consignee.** The persons to whom articles of merchandise, or a ship and cargo, are consigned, or especially directed.
- Consignment.** The act of consigning. Delivery. The goods or property sent.
- Consignor.** The person who makes a consignment.
- Conspiracy.** A combination of persons for an evil purpose, especially a plot against a government.
- Constable.** An officer charged with the preservation of the peace, and with the execution of warrants issued by justices of the peace and other magistrates.
- Constituent.** A person who deposes another to act for him, especially in political matters.
- Constitution.** The body of fundamental laws, as contained in written documents or established by prescriptive usage, which constitute the form of government for a nation, State, community, association, or society.
- Consul.** An officer commissioned to reside in a foreign country, chiefly for the purpose of protecting the interest of such of his fellow-citizens as have commercial relations with that country, and keeping his own country informed concerning matters of trade affecting the public welfare. To these duties are sometimes added those of a diplomatic character, in the absence of an ambassador or other political agent.
- Continental Congress.** A congress of delegates from the States during the American Revolution. It was called Continental in contradistinction to the Provincial Congress of single States.
- Contraband.** Illegal traffic. Articles, the importation or exportation of which is prohibited by law.
- Contract.** An agreement or covenant between two or more persons, based on a consideration, promising to do, or refrain from doing, certain things which are not prohibited by law.
- Conversion.** An appropriation of property; one of the grounds of an action to recover the value of personal goods or chattels wrongfully converted by another to his own use.

- Conveyance.** The act of transferring property from one person to another. The instrument by which the transfer is made.
- Convict.** A person found guilty of a crime by a competent court.
- Conviction.** Proving guilty of a crime by the verdict of a jury and the judgment of a court.
- Copartner.** One connected with another in the transaction of business. A sharer.
- Copartnership.** Joint concern in any business or property.
- Copyright.** The exclusive right allowed by law to an author, or to his representatives, of printing, publishing, and selling a literary composition during a certain period of time; applied, also, to a similar exclusive right to print and publish maps, charts, prints, cuts, engravings, and musical compositions.
- Coroner.** An officer whose duty is to inquire, by a jury of proper persons and upon the view of the dead body, how any casual or violent death was occasioned.
- Corporation.** A body of men created by law for the transaction of business, and endowed with the capacity of perpetual succession.
- Corporator.** A member of a corporation.
- Counsel.** An advocate or lawyer, authorized by law to give advice and aid in legal proceedings. The advice and aid so given.
- Counselor.** A person authorized by law to give legal advice, and to conduct cases in court.
- Court.** A judicial tribunal composed of one or more judges who are authorized to hear cases.
- Covenant.** A mutual promise in writing, sealed and executed, between two or more persons, to do or forbear doing a specific act or specific acts; a promise by deed.
- Covenantee.** The party covenanted with.
- Covenantor.** The party who makes the covenant.
- Crime.** An offence against the laws of the land to which there is a penalty attached.
- Criminal.** A person guilty of a crime.
- Crown.** A word used as the equivalent for king, sovereign, or reigning monarch.

D.

- Days of Grace.** Notes and bills payable by their terms on a fixed day are not really due until the third day thereafter. These days are called *days of grace*. If the last day of grace fall on Sunday or a legal holiday, it is due the day before.
- Debt.** A sum of money due.
- Debtor.** One who owes a debt.
- Declaration of Rights.** A declaration published by the Continental Congress, October 14, 1774.
- Decree.** The judgment of a court of equity or admiralty, answering to the judgment of a court of common law. An edict of a ruler or body of men in authority, having the force of a law.
- Deed.** An instrument in writing

- upon paper or parchment, between parties able to contract, and duly sealed and delivered.
- Defaulter.** One deficient in his accounts, or who fails to appear in court when called for.
- Defendant.** The party against whom a suit is brought in court.
- Defense.** A denial by the defendant of the truth or validity of the plaintiff's complaint; the answer made by defendant to the plaintiff's action, by demurrer or plea at law; that which is done by the defendant to embarrass, delay, or defeat a plaintiff's action.
- Demise.** The conveyance of an estate either in fee, for life, or for a term of years; a lease.
- Demurrer.** An issue between a plaintiff and a defendant on a matter of law, importing that the objecting party will not proceed, because no sufficient statement has been made on the other side, but will wait the judgment of the court whether he is bound to answer.
- Deponent.** One who makes a deposition; one who gives, under oath, testimony which is reduced to writing; one who makes oath to a written statement.
- Deposition.** The act of giving testimony on oath, which is reduced to writing and signed, to be used afterwards on the trial of a cause.
- Descent.** Transmission by succession or inheritance.
- Devise.** The disposition of lands or other real property by will.
- Devisee.** The person to whom the devise is made.
- Devisor.** The person who makes a devise.
- Disfranchisement.** Depriving of the rights of citizenship, such as voting or holding office.
- Divorce.** The dissolution of a marriage contract.
- Domicile.** An abode or permanent residence.
- Donation.** A gift.
- Donee.** The party to whom a gift is made.
- Donor.** The person who makes the gift.
- Dower.** That portion, usually one-third, of a man's lands and tenements to which his widow is entitled, after his death, to have and to hold for the term of her natural life.
- Duress.** The state of compulsion or necessity in which a person is induced, by the restraint of his liberty or menace of bodily harm, to execute a deed, or do any legal act, or commit a misdemeanor.

E.

- Edict.** An order issued by a sovereign to his subjects.
- Ejectment.** A species of mixed action for the recovery of the possession of real property, and of damages and costs, for the unlawful detention of them. Expulsion or dispossession.
- Elector.** One who has the right of voting. A voter.
- Embargo.** The prevention of the sailing of vessels from a port by

- order of government, generally on account of war or danger.
- Embezzlement.** The appropriation to one's use or benefit of property or money intrusted to him by another.
- Endowment.** Permanent provision for the support of a person or an institution.
- Equity.** Right or justice as contemplated by the law of nature.
- Estate.** The title or interest which a man has in his lands or tenements.
- Eviction.** The depriving one of lands which he has in possession.
- Excise.** A tax levied upon various commodities of home consumption which are produced in the country.
- Execution.** The act by which possession is given of body or goods; the writ which empowers an officer to carry out a judicial sentence.
- Executor.** The person to whom is intrusted the carrying out of the provisions of the will of a testator.

F.

- Faalty.** Fidelity to one's government or sovereign. Allegiance.
- Fee.** An estate of inheritance of which the holder has the entire disposal without condition, and which is transmissible to his heirs.
- Felon.** One who has committed a crime punishable by death or imprisonment.
- Felony.** A crime which occasions the forfeiture of lands or goods, or both, and for which a capital or other punishment may be inflicted according to the degree of guilt.
- Fine.** A sum of money imposed by a court for the commission of a crime.
- Foreclosure.** The process of taking away the power of redeeming a mortgage.
- Forgery.** The act of fraudulently making, counterfeiting, or altering any record, instrument, register, stamp, note, etc., to the prejudice of another's right.
- Franchise.** A certain privilege or exemption bestowed by grant from the government, and vested in individuals.
- Fratricide.** A murderer of a brother or sister.
- Fraud.** Deliberate deception for the purpose of obtaining unfair and unlawful advantage in business matters.
- Freehold.** An estate in land or other real property, held by a free tenure for life, or for some uncertain period; frank tenement.
- Freeholder.** The owner of a freehold.

G.

- Government.** Control exercised by the administration of laws.
- Grant.** A transfer of property by a deed or writing.

Grantee. The person to whom a grant is made.

Grantor. The person who makes a grant.

Guardian. One appointed to have

the custody of the person or property of an infant, or of a person incapable of directing his own affairs. The infant or person is called a ward.

H.

Heir. One who is entitled to the possession of any property after the death of the owner. One to whom anything descends by in-

heritance, as distinguished from an alienee or a devisee.

Homestead. One's dwelling-place with the adjoining land.

I.

Illegal. Contrary to law.

Inalienable. That cannot be transferred.

Inchoate. Not complete or finished.

Informer. One who gives intelligence of the violation of some law or regulation.

Inheritance. Right or property transmitted by the operation of law.

Injunction. A writ granted by a competent court, or the judge

thereof, commanding a specific thing to be done or refrained from.

Inquest. An official examination in causes civil or criminal.

Insolvency. Inability to pay one's debts.

Insurgent. One who rises in open rebellion against the established government of his country.

Intestate. Without a will, or without one made in due form of law.

J.

Judge. One who is invested with authority to determine questions at issue in a court of law, either civil or criminal.

Judgment. The sentence of the law pronounced by the court upon any matter contained in the record, or in any case tried by the court.

Judicial. Relating to, practised in, proceeding from, or issued by a court of justice.

Judiciary. Pertaining to courts of

justice. The branch of the government that interprets the laws and administers justice.

Jurisprudence. The science of law.

Jurist. One versed in the law of the land.

Juror. One who serves on a jury.

Jury. A body of men summoned and sworn in court to inquire into the facts of a cause, and give a verdict accordingly.

Jury-box. The place where the jurymen sit.

L.

- Landlord.** An owner of houses or lands leased to tenants.
- Larceny.** Stealing.
- Lease.** The temporary letting of real estate by the owner to another.
- Legacy.** A gift of personal property by will.
- Legal.** Permitted by law.
- Legatee.** One to whom a legacy is made.
- Legislator.** One who assists in making laws for a country.
- Legislature.** The body of men who enact or repeal laws.
- Lessee.** The person to whom property is leased.
- Lessor.** One who leases property to another.
- Levy.** The seizure of property on execution or tax warrant. To raise or collect.
- Lien.** A legal claim on property, for which the property is liable.
- Litigant.** One engaged as a party in a lawsuit.
- Litigation.** A legal contest between parties in a court.
- Lunacy.** The condition of an insane person who has lucid intervals, which formerly were supposed to depend upon the phases of the moon.
- Lunatic.** One afflicted with lunacy.

M.

- Magna Charta.** The great charter granted by King John, and confirmed by Edward III., of England, which solemnly recognized certain enumerated rights, privileges, and liberties as belonging to the people, and which have ever since been incorporated in their constitution.
- Majority.** The full age required by law to manage one's own business affairs. The part of any number which is greater than the other part, or than the sum of all the other parts; more than half.
- Malefactor.** One who is guilty of the commission of a crime.
- Malfeasance.** The doing of what one ought not to do.
- Malicious.** With wicked and unlawful intentions.
- Manslaughter.** The unlawful killing of a man, though without malice or deliberate intention — either voluntarily, as in a sudden quarrel, or involuntarily, but in the commission of some unlawful act.
- Marshal.** One whose duty is to serve the processes of the United States courts, and to do such things as usually devolve on the Sheriffs of State courts.
- Minor.** A person of either sex under twenty-one years of age.
- Misdemeanor.** An indictable crime less than a felony.
- Misfeasance.** A trespass.
- Misnomer.** The use of a wrong name, or mistaking the true name of a person.
- Misprision.** Neglect or light account of a crime.
- Mortgage.** A conditional conveyance of a property, usually as a security for the payment of a debt.

Mortgagee. The person to whom a mortgage is given.

Mortgagor. One who makes a mortgage.

Murder. The killing of a human being deliberately and maliciously, and with intent to effect death.

N.

Nation. The whole people of a country united under one government.

Native. One born in a place or country.

Naturalization. The process by which an alien becomes a citizen.

Negotiable. Transferable from one to another, with or without endorsement.

Neutrality. Of neither side nor party; particularly, the state of

a nation which takes no part in a war between other nations.

Nonsuit. A failure to follow up a cause; a relinquishment of a cause on the part of the plaintiff at the trial either voluntarily or by the order of the court.

Note. A written promise to pay a certain sum of money at a specified time.

Nuisance. That which incommodes or annoys.

Nuncupative. Oral or verbal.

O.

Oath. An affirmation, declaration, or promise, made by calling on God to witness what is said, with sometimes an invoking of his wrath, or a renunciation of his favor, in case of falsehood.

Obligation. A bond with an annexed condition and a penalty for non-fulfilment.

Obligee. The person to whom another is bound.

Obligor. The one who gives a bond to another.

Offence. An open violation or transgression of the law.

Officer. One lawfully invested with a civil or military office.

Ordinance. A rule, law, or regulation established by authority.

Outlaw. One excluded from the benefit, aid, or protection of the law.

P.

Pardon. Remission of a fault or crime, or of the penalty of a crime. An *amnesty* is a general pardon to a large number.

Parliament. The supreme legislative assembly of Great Britain and Ireland, consisting of the

House of Lords and the House of Commons.

Partner. One who shares with another in business transactions.

Partnership. An association formed by contract between two or more persons for joining their money,

labor, or skill in lawful business, the profits to be divided and the loss to be borne by the partners in certain proportions.

Passport. Official authority to travel from place to place, by land or water, especially in foreign countries.

Patent. A grant made by the government or sovereign of a country, to some person or persons, of some privilege, property, or authority, or of the exclusive right to some new invention, discovery, or improvement.

Patentee. The party who is the grantee of a patent from the government.

Pauper. A poor person supported by alms, or by public provision.

Pawn. Something given as a security for the repayment of money borrowed, or for the fulfilment of a promise.

Pawnee. One who receives a pawn.

Pawnor. The person who deposits a pawn.

Peer. An equal; of the same rank. The word is ordinarily applied to the nobility of Great Britain.

Penalty. Punishment, whether in property or in person, imposed by law or by a judicial decision.

Pension. An allowance from a government for services rendered.

Perjury. Knowingly swearing falsely to matters material, when a lawful oath has been administered, and the person has sworn

to tell the truth, the whole truth, and nothing but the truth.

Plaintiff. The party who brings a suit against another, for redress of some private wrong or breach of contract.

Plea. The defence of the defendant in any suit, in denial or avoidance of the matter charged by the plaintiff.

Pleadings. In actions at common law, allegations of the plaintiff or defendant. In equity, formal, written allegations or statements, of either party in a suit, to maintain or defeat it.

Plurality. A person is said to have a plurality of votes who has more votes than any other single candidate for the same office. A person is said to have a *majority* of votes who has a larger number than all the other candidates have, adding all their other votes together.

Policy. A writing or instrument containing a contract of insurance.

Prima Facie. Literally, upon the first view or appearance. It is commonly applied to cases of evidence or presumption, where the meaning is to be taken to be sufficient to prove certain facts, until other evidence or presumptions are introduced to control it.

Prosecutor. One who institutes a suit in a court of law or equity.

Pro tempore. For the time being.

Punishment. A penalty inflicted by a court upon a criminal.

R.

Real. Fixed, permanent, as real estate.

Realty. Permanent, fixed, and immovable property, as real estate.

- Receiver.** One appointed by a court of chancery or equity to take possession of the property of a defendant, or property in litigation, and to hold the same and apply the profits, or dispose of the property itself, under the direction of the court.
- Referee.** One to whom matters in dispute are referred for decision. An umpire.
- Release.** A surrender in proper form of some claim or right.
- Rent.** That which is paid for the use of houses or lands.
- Replevin.** The name of a process at law for recovering possession of goods or chattels which have been wrongfully retained.
- Reprieve.** A postponement or suspension of an execution, for a specified time, by the proper authority.
- Reversion.** The return of an estate to the giver or his heirs, after the grant is determined.

S.

- Salvage.** A compensation for saving or preserving a vessel or its cargo from wreck or loss.
- Sergeant-at-Arms.** The officer of a legislative body who serves processes, hunts up absent members, and executes the orders of that body.
- Sheriff.** The chief civil officer of a county, specially entrusted with the execution of the laws and the preservation of the peace.
- Slander.** A false statement about another which injures him in his reputation or business; such as a charge that he had been guilty of a crime, or has a malignant disease, or any falsehood which he can prove has injured him.
- Solicitor.** An attorney in a court of equity.
- Solvency.** Ability to pay all one's debts.
- Statute.** An act or law passed by a legislature.
- Subpœna.** A writ commanding the attendance, or appearance, of a witness, or a party in court, before a judicial officer, under a penalty in case of disobedience.
- Suit.** The prosecution of a claim or demand in a court of justice.
- Summons.** A writ or process by which an action is commenced, the defendant being thereby summoned to appear in court to answer the plaintiff.
- Surety.** One who becomes responsible for another.
- Surrogate.** An officer who has jurisdiction in granting letters testamentary and letters of administration, and other matters relating to the settlement of the estates of testators and intestates.

T.

- Tenant.** One who has possession or occupation for the time being of lands or houses.
- Tender.** An offer of a sum of money in satisfaction of a debt or claim, by producing and showing

- the amount to the creditor, or party claiming it, and expressing verbally a willingness to pay it.
- Tenure.** The manner or mode of holding an estate or office.
- Testator.** One who leaves a valid will at death.
- Testatrix.** A female testator.
- Testimony.** The statements of a witness under oath or affirmation.
- Title.** That which gives a right or claim to ownership.
- Treason.** An attempt to overthrow the government to which one has sworn allegiance, or giving aid to others who make the attempt.
- Trespass.** A wrong or injury done by one man to another, or to his property or rights.
- Trustee.** One who holds or is intrusted with property for the benefit of another.

U.

- Unalienable.** That cannot be transferred or released.
- Usury.** A premium paid or promised for the use of money beyond the rate of interest charged by law.

V.

- V.** Often put for *versus*, against. Thus, a suit is said to be by A versus B.
- Verdict.** The unanimous decision made by a jury and reported to the court on the matter lawfully submitted to them in the course of the trial of a cause, whether civil or criminal.
- Veto.** A Latin word meaning *I forbid*.
- Viva Voce.** By the living voice, or orally.
- Void.** Of no legal or binding force whatever.
- Vote.** An expression of one's choice or will.
- Voter.** One who votes.

W.

- Ward.** A person under the charge of a guardian; a minor under guardianship.
- Warrant.** An authority to do some judicial act.
- Warrantee.** The person to whom land or other property is warranted.
- Warrantor.** The person who makes a warranty.
- Warranty.** An undertaking or stipulation in writing, or verbally, that a certain fact, in relation to the subject of a contract, is, or shall be, as it is stated or promised to be.
- Will.** An instrument making declaration of the manner in which a person desires his property to be disposed of after his death.
- Witness.** A person who testifies in court, on oath or affirmation, as to his knowledge of the facts in issue between the parties.
- Writ.** A judicial instrument by which a court commands some act to be done by the person to whom it is directed.

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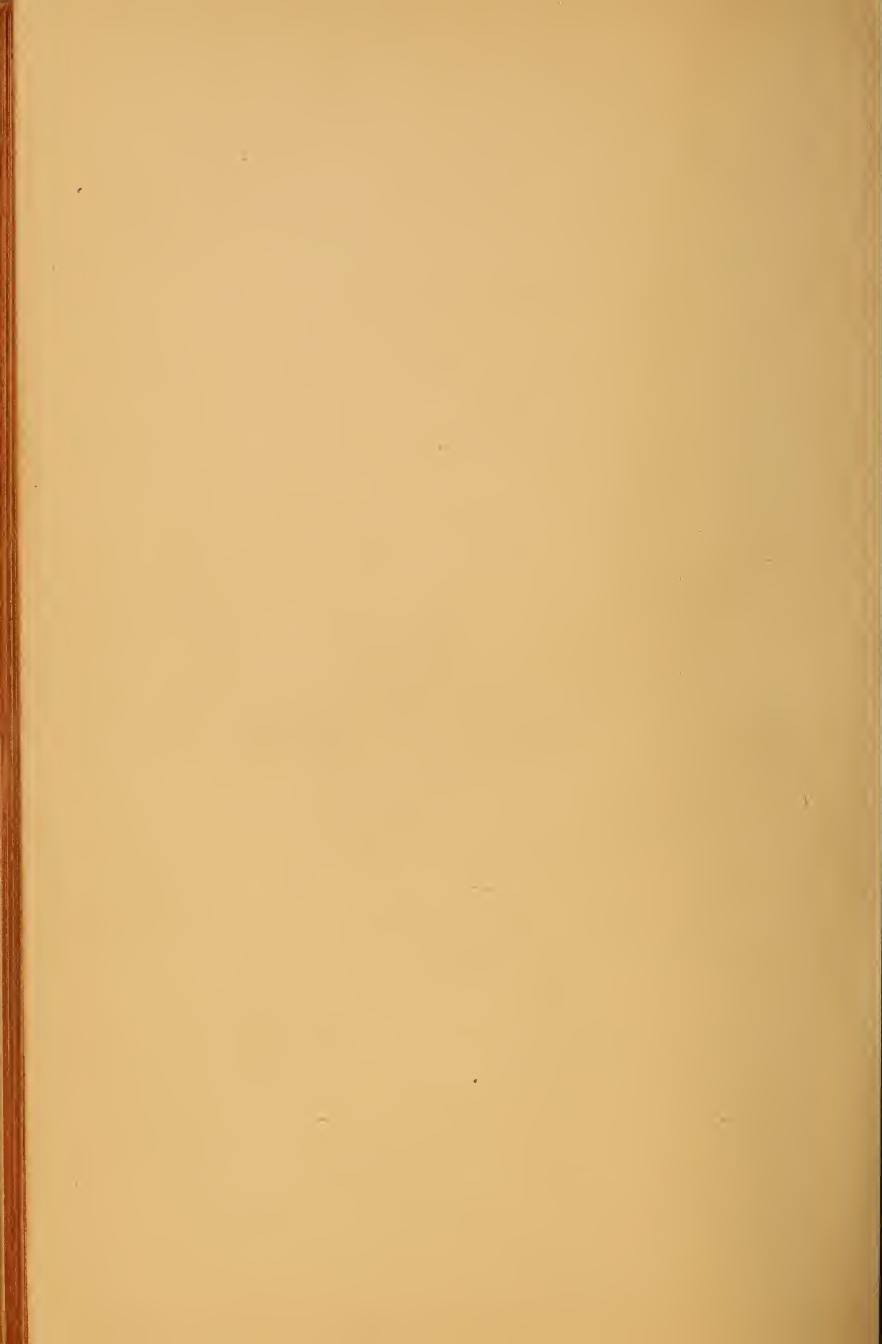
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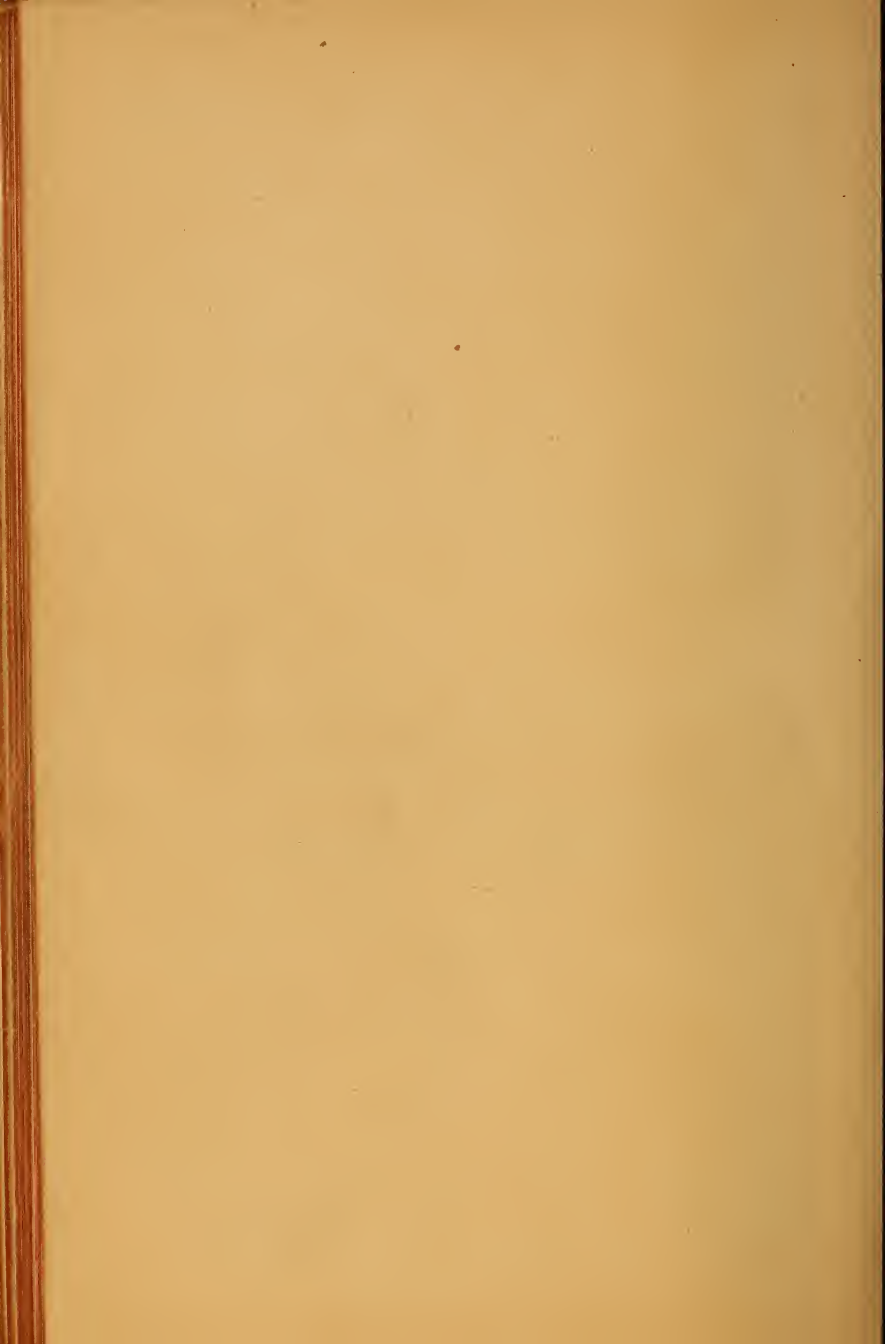
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